

## Bann Drainage Bill.

---

### MEMORANDUM.

---

A.D. 1880.

---

The First Report of the Royal Commission on Public Works in Ireland gives the history of the drainage and navigation of the river system, consisting of Lough Neagh, with the Upper Bann, Blackwater, and other affluents, and the Lower Bann:—

The works were executed between 1847 and 1861, at a cost of 264,000*l.*, of which 100,000*l.* was a free grant from Parliament. The objects aimed at were the drainage of the main basin, and the provision of a navigable channel from Lough Neagh to the tide-way above Coleraine. Great benefits resulted from the drainage works, more especially during the first ten years after their completion. The navigation works were well constructed, but have proved a failure financially; the average annual outlay being 1,100*l.*, while the receipts are only 70*l.*

It is to be observed that there is a railway at each side of the Lower Bann.

Two public bodies at present manage these works; namely, the Lough Neagh Drainage Trustees, who have the care of the works on the lake and its tributaries, and of the weir basins on the Lower Bann: and the Lower Bann Navigation Trustees, who have charge of the rest of the river down to the tidal waters.

Since the Report of Lord Monck's Commission in 1882, proposals to abandon the navigation in the interests of the drainage have been brought before the grand juries of the counties interested, and those bodies now concur in sanctioning that course.

The Royal Commission recommend works which may be described in general terms as dredging, deepening, widening, and improving the channels of the Lower Bann; the construction of sluices at some of the weirs, and the removal of obstructions. They also recommend that the navigation should be abandoned. It is not, however, proposed to dismantle the locks; they will be preserved so as to be available should navigation be again attempted. It is proposed to remove portions of the weirs, and to embank part of the river. The estimate of the cost of the works is 65,000*l.*

[Bill 257.]

a

A.D. 1888. The Bill proposes to carry out these recommendations in the following manner:

It proposes that a commission shall be constituted, consisting of the four members of the Royal Commission of 1883. It is to be their duty to define the catchment area of the lake and river; to draw up a scheme for the election of a permanent Conservancy Board; to lay before that Conservancy Board, when constituted, the plans of the works, an estimate, or scheme, declaring the liability which will have to be borne by the occupiers of the lands which are to be specially charged, and by the county cess of those baronies and townlands which the Commission are of opinion ought to contribute, as being within the catchment area of the lake and river; and generally, to put the Conservancy Board in possession of all the information requisite for enabling them to decide whether the works are to be undertaken.

The Conservancy Board is to consist of persons nominated by the Boards of Guardians of the Unions within the catchment area; and of persons elected by the occupiers of lands which will be specially charged; and of persons representing the towns in the district having Town Commissioners; together with one representative of the Government, who shall be a member of the board, but without a vote.

The persons elected to represent the occupiers of lands specially charged will constitute three fourths of the Board.

The Conservancy Board may reject the scheme proposed for their adoption; if they do, power is taken to hold a second election for a new Conservancy Board. If the new board also reject the scheme, the Act lapses.

If the Conservancy Board, representing the several interests above mentioned, are in favour of the work being proceeded with, then, but not otherwise, the Commission may commence to execute them. The Commission will be furnished with funds by means of advances made from time to time by the Government. The estimated cost of the works is 65,000*l.*, of which it is proposed to charge 8,000*l.* upon lands specially benefited; 37,000*l.* upon the county cess of baronies and town lands within the catchment area; and the residue, 20,000*l.*, shall be supplied as a free grant from moneys voted by Parliament. The local charge, whether payable out of the county cess or by the occupiers of lands specially charged, will be defrayed by means of an annual charge of 4*l.* 10*s.* for every 100*l.* advanced by Government, payable for a term of 40 years, commencing, as regards county cess, from the date of the advance,

and as regards the specially benefited districts, commencing when the capital money has been expended on the works. A.D. 1889.

The charge upon the special districts, for the repayment of the sum of 8,000*l.*, will be 360*l.* per annum, which will be apportioned amongst them by a final award, in proportion to the benefit received by them from the works.

The maintenance charges are to be defrayed partly by county cess and partly by the occupiers of lands specially charged, in the same proportion as the charges for construction.

The maintenance charge payable by the improved lands will be about 660*l.* per annum, making, with the charge for capital expenditure, a sum of 1,020*l.* per annum. The maintenance charge upon county cess will be about 3,383*l.*, and, with the charge for capital expenditure, about 1,065*l.* per annum, will add about a penny in the pound to the grand jury cess in the catchment area.

If during the progress of the works it is found expedient to abandon or vary any part of the scheme as shown in the plans, power may be given, by Order in Council, to the Commission to do so. But if for the purposes of such variation it would be necessary to acquire any land in addition to what the Bill authorises the Commission to take, then the Order in Council is to be a provisional order, requiring confirmation by Parliament, if objected to.

The Bill proposes, in accordance with the recommendation of the Royal Commission and the consent of the Grand Juries, that the navigation in the Lower Bann shall be abandoned, and that the Lough Neagh Drainage Trustees, and the Lower Bann Navigation Trustees, shall be dissolved. The Commission, and subsequently the Conservancy Board, will stand in their place for purposes other than the maintenance of the Navigation, and will become liable to pay off their debts, if any.

It is no part of the design to lower the summer level of Lough Neagh; on the contrary, the proposed works will tend to prevent the water in the Lough from falling as much below the summer level as happened in 1887. The Bill provides that neither the Commission nor the Conservancy Board shall open or keep open the sluices at Toome at any time when the water in the Lough is at or below the summer level.

When the works are completed, they will be handed over to the Conservancy Board for maintenance.



## Bann Drainage Bill.

### ARRANGEMENT OF CLAUSES

**Class:**

1. Short title.
  2. Constitution of Commission.
  3. Duties of Commission.
  4. A draft schedule to be published, and a copy deposited with the Clerks of the Crown and Peace and unions.
  5. Examination into objections.
  6. Charge for repayment of advances.
  7. Charge on county cess.
  8. Charge on holdings.
  9. Constitution of the Conservancy Board.
  10. Decision of Conservancy Board as to proceeding with works.
  11. Works authorised for purposes of Act.
  12. Provision of money for works.
  13. Lands to become chargeable with rentcharge.
  14. Payment and recovery of annuity charged on holdings.
  15. Priority of rentcharge.
  16. Rentcharge upon other lands of the same occupiers.
  17. Improvement to be excluded from judicial rent.
  18. Incorporation of certain sections of 10 Vict. c. 32. for recovery of rentcharge.
  19. Maintenance of works.
  20. Power to Lord Lieutenant to enforce maintenance of works.
  21. Recovery of annuity and maintenance expenses from grand jury.
  22. Borrowing powers for emergency in maintenance.
  23. Enrolment of award.
  24. Interest from date of advance to commencement of annuity.
  25. Regulations as to purchase of land.
  26. Power to enter upon and purchase land, and execute works.
  27. Incorporation of certain provisions of 8 & 9 Vict. c. 20.
- [Bill 257.]                      b

## CLAUSE.

28. Saving rights in fisheries.
29. Saving rights of Countess of Shaftesbury.
30. Certain provisions of 10 & 11 Vict. c. 16. incorporated.
31. Accounts and audit.
32. Variation of works authorised by means of Provisional Order.  
Taking of land.
33. Provisional order may vary scheme.
34. Power to authorise occupiers to construct drains.
35. Removal and rebuilding of bridges.
36. Power to make byelaws.
37. Penalty for obstructing the Conservancy Board.
38. Protection of persons acting under Act.
39. Removal of disqualification of justices.
40. Saving of existing liabilities to repair.
41. Formation of other drainage districts.
42. Dissolution of existing authorities and transfer of property,  
&c. to Board.
43. Status of Conservancy Board as in schedule.
44. Definitions.

## SCHEDULE.

A  
B I L L

FOR

The improvement of the Drainage of Lands and for the prevention of Inundations within the catchment area of Lough Neagh and the Lower Bann, and for other purposes relating thereto. A.D. 1889.

**W**HEREAS in pursuance of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, and of the Acts amending the same, certain works were executed under the direction of the Commissioners of Public Works in Ireland for the drainage of lands in the district of Lough Neagh and for the improvement of the navigation of the Lower Bann River :

And whereas the duty of maintaining the said works is entrusted partly to the Lough Neagh Drainage Trustees, constituted under the said Acts, and partly to the Lower Bann Navigation Trustees, constituted under the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty-two :

And whereas great benefits resulted from the said drainage works, but at the present time serious inconvenience and loss arising from floods are sustained by occupiers of lands adjoining the said river and lough, and it would be of great public and local advantage if further works were executed for the relief of those lands and for the improvement generally of the drainage of lands within the catchment area of the said river and lough :

And whereas it is expedient that a Board representing the various interests concerned should be constituted for the purpose of executing such last-mentioned works and maintaining the same when completed ; and that such Board should also be entrusted with the duty of maintaining the works heretofore executed for the drainage of lands within the said area ; and that the powers of any other existing corporation or body of persons constituted

[Bill 257.]

A

A.D. 1889. under any Act of Parliament with reference to the arterial drainage of lands within the said area should be transferred to the Board :

And whereas the annual expenditure upon the Lower Bann Navigation is largely in excess of the income arising therefrom, 5 and it is expedient to provide for the abandonment of the said navigation :

And whereas the total cost of the works proposed for the purposes of this Act, as estimated, will amount to about *sixty-five thousand pounds*, and it is expedient to provide funds for defraying the said 10 cost, and also to make provision for defraying the expenses of maintaining such works as aforesaid :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 15 by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Bann Drainage Act, 1889.

Constitution of Commission.

2. The following persons shall be constituted a Commission for the purposes of this Act, that is to say, Sir James Joseph Allport, Knight; James Abernethy and John Wolfe Barry, Esquires, Civil 20 Engineers; and Joseph Todhunter Pim, Esquire. The Commission shall be styled the Bann Commission, and shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without license in mortmain; and is herein-after referred to as "the Commission." 25

Duties of Commission.

3. The Lord Lieutenant may, if he thinks it necessary, appoint a fit and proper person to fill any vacancy occurring from time to time amongst the members of the Commission :

(1.) The Commission shall ascertain and declare what are the local limits of the catchment area of the Lough Neagh and the 30 Lower Bann.

(2.) They shall prepare a scheme, having a draft schedule attached thereto, charging a sum of *eight thousand pounds*, being a portion of the estimated cost of the proposed works, upon lands for the special benefit of which the proposed works 35 are designed: and charging a sum of *thirty-seven thousand pounds* upon the county cess of those baronies and townlands which are situated within the catchment area.

In such scheme they shall divide the lands for whose special benefit the proposed works are designed into districts (referred 40 to in this Act as special districts) of such number and extent



as they think best, and shall charge a gross amount calculated as herein-after is mentioned upon each special district. A.D. 1899.

They shall also specify in such draft schedule—

- 5 (a) the lands comprised in the special districts. (In this section and elsewhere in this Act the term "land" includes a house);
- (b) the persons occupying or reputed to occupy the said lands, and the portion of land occupied by each;
- 10 (c) the annual value of the said lands before the execution of the works, and the estimated increase in such value resulting from the proposed works;
- (d) the gross amount to be charged on each occupier's portion of the said lands. Such gross amount shall be the aggregate of the proportion of the said sum of *eight thousand pounds* and the proportion of such sum for interest thereon from the date of the advance to the date of the award pursuant to this Act as the Commission shall fix; and
- 15 (e) all such other matters and things as the Commission think proper.

The sum to be charged upon the county cess of baronies and townlands shall be apportioned between them by the Commission, according to their respective valuations.

As between the counties liable to contribute and the special districts, the apportionment indicated by the scheme shall be final.

- 25 (3.) The Commission shall prepare a scheme for the establishment and constitution of the Bann Conservancy Board (hereinafter referred to as "the Conservancy Board").

- 30 (4.) The Commission shall prepare such further information concerning the proposed works and the charge therefor, and all other matters, as may be necessary for enabling the Conservancy Board, when constituted, to determine the expediency of undertaking the works authorised by this Act.

35 The Commission shall not have power to undertake any works until they have obtained the assent of the Conservancy Board. They may, with the consent of the Treasury, employ an engineer and such officers and clerks as may be necessary to enable them to discharge the duties imposed upon them by this Act. *The Commissioners of Public Works in Ireland (hereinafter referred to as "the Board of Works") may from time to time advance to the Commission, out of moneys to be voted by Parliament, such sums as the Treasury may sanction.*

A.D. 1889.

A draft  
schedule to  
be published,  
and a copy  
deposited  
with the  
clerks of the  
Crown and  
Peace and  
various.

4. When such draft schedule as aforesaid shall have been prepared, the Commission shall cause a copy thereof to be deposited with the clerk of the Crown and Peace of the county and the clerk of each of the several unions wherein the lands drained and improved, or any part thereof, may be situated; and such clerks of the Crown and Peace and clerks of unions are hereby authorised and required to receive the same; and the Commission shall cause notice of such lodgment to be inserted in one or more of the newspapers usually circulated in the counties or districts in which such several unions are situated once in each week for three successive weeks and once in some newspaper circulated in the City of Dublin; and the Commission shall also in such notice require all persons being occupiers or proprietors of lands proposed to be charged as being improved, who may desire to object to such schedule, to lodge their objections at such time and place as shall be therein specified, and they shall also in the said notice state that some person acting for them will proceed to hear and inquire into any objections which may be lodged at such time and place, or times and places, as shall in such notice be named.

Examination  
into objec-  
tions

5. The Commission or one of them or some fit and proper person appointed by the Commission shall attend at such time and place, or times and places, so appointed, and shall examine into the matter of any objections to the schedule which shall have been lodged within the time specified in such notice as aforesaid, and shall hear all proper evidence relative thereto, and may adjourn such attendance from time to time, and shall make such alteration as may to them or him seem proper, and finally settle the said schedule: Provided always, that the whole amount of the said sum of eight thousand pounds and such sum for interest thereon from the date of the advance to the date of the award pursuant to this Act as the Commission shall have fixed as aforesaid, shall, notwithstanding any alteration which on the hearing of any such objections it may be deemed proper to make, be charged on the lands in the special districts.

Charge for  
repayment  
of advances.

6. When from time to time an advance by way of loan is made by the Board of Works in pursuance of this Act, the repayment thereof shall be a charge upon the county cess of the baronies and townlands liable to contribute to such repayment, and upon the lands situated in the special districts, according to the proportions prescribed by this Act; which charges respectively shall commence to be paid at the times provided by this Act.

7. From the date of each advance the county cess of the said baronies and townlands shall be charged with the payment to the Board of Works of an annuity of *four and a half* per cent. on the proportion of the advance specified in the scheme to be charged on the county cess of those baronies and townlands respectively; and the annuity shall be payable for *forty years*, and shall be paid by equal half-yearly payments on such days as may be specified in the scheme.

A.D. 1880.

Charge on county cess.

The annuity shall be paid by means of an addition to the county cess levied from time to time in the said baronies and townlands.

8. When directed by the Treasury, on or before the completion of the works, the Commission shall make an award based upon the said schedule settled by the Commission, in which they shall set forth the several parcels or portions of land in the special districts drained and improved, and the original and increased values thereof; and such award shall also specify the due proportion chargeable in respect of each such parcel of land of the amount by this Act directed to be charged upon the lands in the special districts, and shall also specify any other lands held by the same occupiers to be also held chargeable, with the amount in each case repayable as in this Act provided, and shall also set forth such other matters and things as to the Commission shall seem fit and proper.

Charge on holdings.

9. The Bann Conservancy Board, as constituted by the Commission, shall consist of members representing the occupiers of lands in the special districts, elected by such occupiers; and members representing the towns having town commissioners within the catchment area, nominated by the town commissioners of those towns; and members representing the poor law unions within the catchment area, nominated by the boards of guardians; and one member to be appointed from time to time by the Lord Lieutenant, who shall not be entitled to vote, but shall in other respects have the same position as other members of the Board.

Constitution of the Conservancy Board.

The number to be nominated by the boards of guardians and town commissioners shall be such as the Commission think proper, and such nominated members taken together shall constitute one fourth of the Board; but if the numbers of the Board are not equally divisible by four, the Commission shall take the next lower number which is so divisible, and the nominated members taken together shall constitute one fourth of such lower number. The remainder of the Board shall be constituted by the members representing the

A.D. 1889. occupiers of land in the special districts, and the member appointed by the Lord Lieutenant.

The scheme of the Commission shall make provision as to the time and mode of nomination by the boards of guardians and town commissioners.

A Poor Law Union shall be deemed to be situated within the catchment area, if the greater part in value of the union is within the area.

The elected members shall be elected, in the manner provided by the scheme, by the occupiers of land within the special districts; and each elector shall be entitled to vote according to the scale contained in the eighty-first section of the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, intituled An Act for the more effectual relief of the destitute poor in Ireland, as amended by any other Act or Acts, as if the special district were a Poor Law Union.

1 & 2 Vict.  
c. 56.

The persons qualified to vote shall be all persons appearing in the grand jury applotment books as liable to pay grand jury cess in respect of the occupation of any rateable hereditament within any special district.

If the Commission determine that the election shall be by voting papers, the Commission may make regulations for the distribution and collection of the voting papers, and the verification and counting thereof, and for all other matters appearing to them necessary or proper for taking such vote. Secretaries of grand juries and collectors of grand jury cess shall supply such information to the Commission for enabling them to take a vote as they may require. The Royal Irish Constabulary shall give such service and assistance to the Commission in the distribution and collection of voting papers as the Inspector General shall order.

If any person shall knowingly and fraudulently tender a vote which he is not entitled to give, or shall forge, falsify, or knowingly and fraudulently alter after signature any voting paper, or shall knowingly tender or forward any voting paper forged, falsified, or altered as aforesaid, or shall without lawful reason suppress, carry off, destroy, or deface any voting paper after it has been issued to a voter, he shall be guilty of an offence, and may be prosecuted in a summary manner, and shall on conviction be liable to a penalty not exceeding *twenty pounds* or to imprisonment with or without hard labour for a term not exceeding *three months*.

The decision of the Commission as to the right of any person to vote, as to the validity of any voting paper, and as to the result of the voting, shall be final; and a certificate purporting to be

under their common seal shall be conclusive evidence of the result of the voting. A.D. 1889.

The vote shall not be invalid by reason of any error or omission, or thing done, in or about the taking of it, unless the Commission think it expedient to quash the vote by reason thereof, and to proceed to a fresh vote.

The ordinary term of office of a member of the Conservancy Board shall be *six years*; and the scheme shall provide that one third, or such other proportion as may be as near to one third as possible, of the members of the Conservancy Board representing the occupiers of land in the special districts, and one third, or such other proportion as may be as near to one third as possible, of the other members of the Board, shall retire at the expiration of successive periods of *two years*. The scheme shall make provision for determining the persons who are to retire at the end of each of the first three biennial periods after the constitution of the Conservancy Board. This provision shall not apply to the member of the Conservancy Board nominated by the Lord Lieutenant.

The Commission may by the scheme make rules relative to the time and place and mode of election of the elected members of the Conservancy Board, and as to the returning officer, and his powers and duties, and for notices, and generally for all purposes relating to the elections of members of the Conservancy Board, and also relative to the time and place, and summoning of meetings of the Conservancy Board, and the quorum, and the appointment of chairman, and relative to committees of the Board, and the keeping of minutes, and generally for the transaction and management of the business of the Conservancy Board.

The Conservancy Board when constituted may from time to time, with the sanction of the Lord Lieutenant, repeal, amend, or add to the rules made by the scheme of the Commission.

The Conservancy Board shall be a body corporate, with perpetual succession and a common seal, and with a power to sue and be sued, and to take and hold land without license in mortmain.

They may appoint or employ an engineer, and such other officers and persons as may be necessary for the execution of the duties imposed on the Conservancy Board by this Act.

10. The Conservancy Board when constituted may, if they think it expedient, after due examination, resolve that the Commission may proceed with the proposed works in accordance with the plans brought before them by the Commission, subject to the power of varying the same by means of an Order in Council, as herein-after provided. If the Conservancy Board resolve that the Commission

Decision of  
Conservancy  
Board as to  
proceeding  
with works.

A. D. 1889. shall not proceed with the proposed works, that Board shall forthwith  
 be dissolved, and their powers under this Act shall be at an end.  
 If that event happens, any twenty or more occupiers of land within  
 the catchment area, valued at not less in the aggregate than *one*  
*thousand pounds*, may, within a period of two years, require the 5  
 Commission to proceed to institute fresh elections and nominations  
 in the manner aforesaid, and the second Conservancy Board when  
 constituted may, if they think it expedient, after due examination,  
 resolve that the Commission may proceed with the proposed works  
 in accordance with the said plans, subject to the power of varying 10  
 the same by means of an Order in Council, as herein-after provided.  
 If such second Conservancy Board resolve that the Commission  
 shall not proceed with the proposed works, then the Conservancy  
 Board and the Commission shall be dissolved, and the powers of  
 executing such works granted by this Act shall be at an end. 15

Works  
 authorised  
 for purposes  
 of Act.

11. In order to carry into effect the purposes of this Act, the  
 Commission may construct the embankments and works shown in  
 the said plans, subject to the power of varying the same by means  
 of an Order in Council, as herein-after provided; and may also 20  
 within the catchment area—

- (a) deepen, widen, straighten, embank, and otherwise improve  
 any watercourse or outfall for water, and remove any milldam,  
 navigation weir, fish weir, oel weir, sluice, or other obstruc-  
 tion to any watercourse or outfall for water, and raise, widen,  
 and otherwise alter any wall, embankment, milldam, naviga- 25  
 tion weir, fish weir, oel weir, sluice, or any dam or defence  
 against water; and
- (b) make any new watercourse or outfall for water, and erect any  
 new embankment, dam, weir, sluice, or defence against water,  
 and fill up or re-open any disused watercourse; and 30
- (c) provide for the abandonment of the navigation of the Lower  
 Bann, and regulate, control, and alter the water level of the  
 Lower Bann, and of any watercourse within the catchment  
 area; provided, however, that it shall not be lawful for the  
 Commission, or for the Conservancy Board, when the works 35  
 become vested in them, to open or to keep open the sluices at  
 Tcome at any time when the water in Lough Neagh is at or  
 below the summer level; and
- (d) temporarily stop the navigation in any watercourse; and
- (e) erect any machinery and do any acts and things necessary or 40  
 proper for effecting the above-mentioned purposes or any of  
 them.

Save as provided by this Act, the Commission shall not incur liability to make compensation for anything done by them in exercise of their powers under this section.

A.D. 1888.

12. The cost of the works to be executed for the purposes of this Act shall be defrayed in the following manner; (that is to say,) Provision of money for works.

(1.) *A part of the cost shall be defrayed out of money provided by Parliament as a free grant, to an amount not exceeding in the whole twenty thousand pounds;*

(2.) The Board of Works may from time to time, with the consent of the Treasury, out of money at their disposal for the purpose of loans, make advances by way of loan to the Commission, and the Commission may borrow to an amount not exceeding in the whole *forty-five thousand pounds* on the securities in this Act mentioned;

Of the sum of forty-five thousand pounds, *thirty-seven thousand pounds* shall be charged upon county rates, and *eight thousand pounds* upon the special districts.

Every sum from time to time appropriated for the purpose of defraying any part of the cost of the said works shall be so provided and advanced partly by way of grant and partly by way of loan, as the Treasury may direct.

(2.) Advances on account of the said grant and loan may be made from time to time to the Commission in such manner and on such conditions respecting the works to be executed and the mode and order of executing the same and otherwise, as the Lord Lieutenant with the sanction of the Treasury may prescribe.

13. The several lands mentioned in the said schedule settled by the Commission shall from the date of settling the same become charged with the payment to Her Majesty of an annual rentcharge of *four pence ten shillings* for every one hundred pounds charged on the said lands respectively, and so in proportion for every lesser amount, to be payable for the term of *forty years*; such rentcharge to be paid by equal half-yearly payments on the *first day of May* and *first day of November* in every year, the first of such payments to be made on the first of such days which shall happen after the date of said award. Lands to become chargeable with rentcharge.

14. Any sum from time to time due on account of the annuity charged upon a portion of land shall be payable by the person or persons occupying the premises at the time the payment is demanded, although such person or persons did not occupy the same at the time such sum became due, provided that no proceedings shall be commenced for the recovery of any sum in arrear Payment and recovery of annuity charged on holdings.

[257.]

B

A.D. 1889. against any person not primarily liable to pay the same after the expiration of *two years* from the date when such sum became due.

The annuity or any part thereof may at any time be redeemed by the person for the time being liable to pay the same on such terms as may be agreed on by the Board of Works with the consent of the Treasury.

Any annuity payable under this Act shall be paid to the Board of Works, or to such persons and in such manner as the Treasury may from time to time appoint.

Without prejudice to other remedies, the annuity shall be recoverable by the Board of Works in manner in which rentcharges in lieu of tithes are recoverable in Ireland, subject to this qualification, that the Civil Bill Court of the county in which the land upon which the annuity is charged, or any part of such land, is situate shall have jurisdiction to hear and determine cases where the amount claimed does not exceed *fifty pounds*; and a certificate, purporting to be under the common seal of the Board of Works, shall, until the contrary is proved, be conclusive evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein is due to the Board of Works from such person.

A portion of land situated within a special district, and chargeable for that reason, shall not, in consequence of its being so chargeable, be exempt from grand jury cess assessed in pursuance of this Act.

Priority of  
rentcharges.

15. Every such annuity charged upon lands shall take priority of all charges and incumbrances whatsoever and whensoever made, and of all rent payable out of the said lands, save and except quitrents and rentcharges in lieu of tithes, and also save all charges prior in date (if any) created under the authority or provisions of any Act of Parliament heretofore passed.

Rentcharge  
upon other  
lands of the  
same occu-  
piers.

16. The annuity aforesaid, charged by virtue of this Act upon any lands improved under this Act, shall be held to be chargeable upon such other lands held by the same occupier, as may, by the award of the Commission, be made chargeable therewith.

Improve-  
ment to be  
excluded  
from judicial  
rent.

17. So long as the annuity aforesaid charged by virtue of this Act upon any land shall remain charged thereon, any increase in the value of such land which shall have resulted from the execution of works pursuant to the provisions of this Act shall be excluded in ascertaining the value of such land for the purpose of fixing a judicial rent therefor under the Land Law (Ireland) Act, 1881, and any Act amending the same.

46 & 47 Vict.  
c. 49.



18. The thirty-ninth, fortieth, forty-ninth, fiftieth, fifty-second, and fifty-third sections of the Act of the tenth year of the reign of Her present Majesty, chapter thirty-two, intituled an Act to facilitate the improvement of landed property in Ireland, as amended by any other Act, shall, so far as the same respectively are not inconsistent with any of the provisions of this Act, be deemed to be incorporated in this Act, save that every act in any of said sections directed to be done by or to the Paymaster of Civil Service shall be done by or to the Board of Works, and shall be as effectual to all intents and purposes as any such act would have been if done by or to the Paymaster under the provisions of the said first-mentioned Act. In the said sections references to an owner of lands shall be construed as if they were references to the occupier of such lands.

A.D. 1889.  
Incorporation of certain sections of 10 Vict. c. 32, for recovery of rent-charge.

19.—(1.) On the completion of the works, or when directed by the Lord Lieutenant, the Commission shall, by order under their seal, declare that the works executed under this Act, and also any other drainage works formerly belonging to any other corporation or drainage board in the estabment area, and transferred to the Commission by virtue of this Act, with all land, ways, rights, and appurtenances thereto belonging, shall be transferred to the Conservancy Board, and the same shall thereupon vest in the Conservancy Board. It shall be the duty of the Conservancy Board to maintain and keep in repair the works executed under and for the purposes of this Act, and all works executed for the like purposes within the catchment area before the *passing of this Act*, and the Conservancy Board may with that object from time to time cleanse, repair, enlarge, and otherwise place and maintain in a due state of efficiency any watercourse or outfall for water, or any wall, embankment, or other defence against water, or do any other act for the purpose of maintaining in a due state of efficiency any work required to be so maintained for any of the said purposes.

Maintenance of works.

(2.) Any amount from time to time certified by the Board to be required to meet the expenses of the maintenance and repair of the said works shall, so far as they are for works executed before the *passing of this Act*, for which proprietors of land shall be liable to pay under the provisions of this Act, be charged in the same manner as if this Act had not been passed; and so far as they are for works executed before the *passing of this Act*, for which proprietors of land shall not be liable to pay under the provisions of this Act, and so far as they are for works executed under this Act, be apportioned between the county cess of the baronies and townlands chargeable

A.D. 1889. under this Act and the lands specially benefited, and be charged thereon respectively in the same proportions as the capital money expended upon the construction of the same works.

(3.) The maintenance charge payable out of lands specially benefited shall be payable to, and be collected by, the Board of Works in the same manner as the annuity charged upon such lands; and the Board of Works shall have the same powers of recovering a sum due for maintenance charge, and their certificate in relation thereto shall have the same effect, as if such sum were part of the said annuity. The Board of Works shall from time to time account to the Conservancy Board for the net amount collected by the Board of Works on account of maintenance charge in such manner as the Treasury may direct.

(4.) Sums may be from time to time charged under this section, either prospectively for the payment of future expenses, or retrospectively for the payment of expenses incurred at any time within six months before such sums respectively are certified by the Conservancy Board to be required.

Power to  
Lord Lie-  
tenant to  
enforce  
maintenance  
of works.

20.—(1.) The Lord Lieutenant shall from time to time cause inspection to be made by some engineer or other competent person of any works which the Conservancy Board are required, in pursuance of this Act, to maintain and keep in repair, and if it appears from the report of the person so appointed that any such works have not been maintained in good order and repair, so as in the opinion of the Lord Lieutenant to be fit and proper for their intended purposes, or that any sudden breach or damage has occurred to any embankment or other work maintainable by the Conservancy Board, the Lord Lieutenant may cause a notice to be served on the Conservancy Board calling upon them to execute such works of repair and maintenance as in the opinion of the Lord Lieutenant the circumstances of the case render necessary (the nature of which works shall be stated in the notice) within such period as is therein mentioned, and informing them that in default thereof such works will be executed by the Lord Lieutenant pursuant to the provisions of this Act.

(2.) In case such works are not executed in accordance with the terms of the notice, the Lord Lieutenant, with the sanction of the Treasury, may execute all such works of repair and maintenance as they may consider necessary, and for that purpose, and for the purpose of certifying and obtaining payment out of the county cess of the costs from time to time incurred by them in relation to the said works, the Lord Lieutenant shall possess all the powers exercisable under this Act by the Conservancy Board.

21.—(1.) For the purpose of recovering from the grand jury of any county any sum payable to the Board of Works or the Conservancy Board out of the county cess of that county in pursuance of this Act, the Board of Works, or the Conservancy Board, or the Lord Lieutenant, as the case may be, may from time to time send to the secretary of the grand jury of such county a certificate specifying the amount to be levied in any part of such county in respect of the said sum; and, in case the sum so specified in any such certificate is payable by instalments, such certificate shall also specify the number of instalments and the amount of each instalment payable by any part of such county.

A.D. 1880.  
Recovery of  
annuity and  
maintenance  
expenses  
from grand  
jury.

(2.) Any such certificate shall, until the contrary is proved, be conclusive evidence of all matters necessary to authorise the making of it.

(3.) A certificate of the Lord Lieutenant, purporting to be signed by the Chief or Under Secretary, and a certificate of the Board of Works or the Conservancy Board, purporting to be under their respective common seals, shall be admissible in evidence.

(4.) Upon any such certificate being sent to the secretary of the grand jury, the grand jury at the next and every succeeding assizes, until the sum therein specified as aforesaid has been fully paid, shall without any previous proceeding at any presentment sessions present any amount for the time being due or falling due before the then next assizes on account of the said sum as specified in the said certificate; and if the grand jury make default in presenting such amount as aforesaid the judge of assize shall order the amount to be raised, and the order shall have the force of a presentment, and the amount shall be apportioned and raised and levied accordingly, as if the same had been inserted in a presentment duly made at such assizes.

(5.) The secretary of the grand jury shall, within one month after the date of any such presentment or order as aforesaid, send notice thereof to the Board of Works or the Conservancy Board, as the case may be.

22. If the Local Government Board are satisfied that the cost of repairing any unusual damage to the works, or any unusual expense for maintenance, should be spread over more years than one, they may authorise the Conservancy Board to borrow for maintenance or repairs; and the Conservancy Board shall have the like powers of borrowing, upon the security of the rates or funds applicable under this Act for maintenance, as if they were a sanitary authority, and as if the maintenance or repairs were

Borrowing  
powers for  
emergency  
in main-  
tenance.

A.D. 1889,  
41 & 42 Vict.  
c. 52. sanitary purposes; and the enactments of the Public Health (Ireland) Act, 1878, concerning borrowing by sanitary authorities, and the making of loans by the Board of Works shall apply to the Conservancy Board.

Enrolment  
of award.

23. Every scheme, schedule, and final award imposing a charge 5 under this Act, with proper schedules, map, or plan describing the lands to which such final award relates, shall be enrolled in the Consolidated Record and Writ Office of the High Court, and when so enrolled shall be binding and conclusive on all parties, and a copy thereof certified by the proper officer of the said office shall be 10 evidence that it was duly made, and that all the requisitions of the law in relation thereto were complied with; and the Commission shall within one month after the scheme or final award is settled cause the same to be printed and kept for public sale at a price not exceeding *two shillings and sixpence* for each copy. 13

Interest  
from date of  
advance to  
commence-  
ment of an-  
nuity.

24. The amount charged on any security in pursuance of this Act shall include interest on the sum actually advanced, at the rate of *three and a quarter* per cent. per annum, from the actual date of the advance to the date of the commencement of the annuity payable in respect of that amount, and the annuity shall be of such 20 amount as may be necessary for that purpose.

Regulations  
as to pur-  
chase of  
land.

25. The Lands Clauses Acts shall be incorporated with this Act so far as the same may be applicable to and are not inconsistent with or modified by the provisions of this Act.

8 & 9 Vict.  
c. 18.

If no agreement is come to as to the amount of any purchase 25 money or compensation to be paid by the Commission or Conservancy Board to any person, the amount thereof shall be settled by arbitration in manner provided in sections twenty-five to thirty-seven (both inclusive) of the Lands Clauses Consolidation Act, 1845, and not otherwise: Provided, however, that where the amount 30 of any purchase money or compensation claimed in respect of any land required by the Commission or the Conservancy Board, or in respect of any damage occasioned by the exercise of any powers for the execution of the works authorised by this Act to be executed by the Commission or the Conservancy Board, does not exceed 35 *fifty pounds*, proceedings may be taken in a summary manner, either by the Commission or the Conservancy Board, as the case may be, or by any person claiming such purchase money or compensation, for ascertaining the amount thereof to be paid by the Commission or the Conservancy Board, and the court before whom such proceedings 40 are taken shall make such order as they may deem just for the

payment of such amount by the Commission or the Conservancy Board, as the case may be, to the person entitled thereto. A.D. 1889.

26. The Commission and the Conservancy Board may, for the purposes of this Act, from time to time purchase and acquire any lands within the catchment area, and employ such contractors, surveyors, agents, and workmen as they think fit, and by themselves and their contractors, surveyors, agents, and workmen, enter upon any land and proceed with any works upon such land which they are authorised to execute, and do all things upon and affecting any land which are necessary or proper for the execution of those works, and for the accommodation of lands adjoining those works, making compensation to all persons for any loss or injury occasioned to them by the exercise of such powers. Power to enter upon and purchase land, and execute works.

Except with reference to lands which they may be authorised to take by virtue of a provisional order under this Act, the Commission shall not exercise the power of taking land otherwise than by agreement. The Conservancy Board shall not have power to take lands otherwise than by agreement.

27. For the purpose of any works authorised by this Act, the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof shall be incorporated with this Act so far as such provisions may be applicable and are not inconsistent with any of the provisions of this Act. In the construction of this Act and the said incorporated provisions, and the incorporated provisions of the Lands Clauses Acts, this Act shall be deemed to be the special Act, and the said works shall be deemed to be the railway, and the Commission or the Conservancy Board shall be deemed to be the company: Incorporation of certain provisions of 8 & 9 Vict. c. 20.

Provided that the amount of any purchase money or compensation payable by the Commission in pursuance of any of the said provisions shall be ascertained in manner provided in this Act in the case of purchase money or compensation payable by the Board in respect of any lands required by them for or injuriously affected by any works authorised by this Act. When the works become vested in the Conservancy Board, this section shall apply to the Conservancy Board and to works of maintenance as fully as it applies to the Commission and to works of construction.

28.—(1.) Nothing in this Act shall authorise or empower the Commission or the Conservancy Board to make any byelaw or do any other act or thing which shall cause any permanent and injurious alteration in or interference with any salmon weir, cul Serving rights in fisheries

A.D. 1889. weir, or eel trap which any person has at the passing of this Act a lawful right to erect and keep erected, or which shall interfere with any salmon fishery, eel fishery, or right of fishing for salmon or eels, of which at that time any person is lawfully seized or possessed, so as to injuriously affect the same. 5

(2.) If during the execution of any of the works authorised by this Act it shall be necessary that any such eel weir or eel trap as aforesaid shall be temporarily removed or interfered with, such removal or interference shall be effected after the *fifteenth day of January* and before the *first day of June*, and not at any other time, 10 in any year; and every such eel weir or eel trap so removed or interfered with shall be replaced or restored to its former condition before the *first day of June* next after such removal or interference. The Commission or the Conservancy Board, as the case may be, shall make compensation to all persons for any loss or injury occasioned 15 to them by any such removal or interference; and the amount of such compensation shall be ascertained in manner provided in this Act in the case of purchase money or compensation payable by the Commission or the Conservancy Board in respect of any lands required by them for or injuriously affected by any works authorised by this Act. 20

Saving rights of the Countess of Shaftesbury.

29. Nothing in this Act contained shall be deemed, construed, or taken to affect, prejudice, or diminish any estate, right, title, or interest of the Right Honourable Harriett Augusta, Countess of Shaftesbury, her heirs or assigns. 25

Certain provisions of 10 & 11 Vict. c. 16. incorporated.

30. The provisions of the Commissioners Clauses Act, 1847, with respect to—

- (1.) The contracts to be entered into and the deeds to be executed by the Commissioners; and
- (2.) The liabilities of the Commissioners, and legal proceedings 30 by or against the Commissioners; and
- (3.) The appointment and accountability of the officers of the Commissioners; and
- (4.) The giving of notices and orders,

shall be incorporated with this Act; and in the construction of this 35 Act and the said incorporated provisions this Act shall be the "special Act," and the Commission, and, when the works have become vested in the Conservancy Board, that Board shall be "the Commissioners." The actual travelling expenses and an allowance not exceeding *fifteen shillings* a day for hotel expenses of members 40 of the Conservancy Board incurred in attending meetings after the

works have become vested in them, may be defrayed by that Board out of the moneys at their disposal under this Act. A.D. 1888.

31.—(1.) The accounts of the Commission and of the Conservancy Board shall be made up in such form and to such day in every year as may be appointed by the Local Government Board. Accounts and audit.

(2.) The accounts shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board may appoint for the purpose; the auditor shall with respect to the accounts of the Commission and the Conservancy Board have the like powers and be subject to the like obligations in every respect as in the case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit. An auditor shall in respect of each audit under this Act be paid by the Commission and the Conservancy Board respectively such remuneration and such sum for travelling expenses as the Local Government Board may determine to be reasonable. 34 & 35 Vict. c. 100.  
35 & 36 Vict. c. 60.

(3.) The Commission shall prepare and publish an annual report of their proceedings in carrying this Act into effect at such time in each year as the Lord Lieutenant may appoint.

32. If after being authorised to proceed with the proposed works in accordance with the said plans the Commission desire to abandon any part of such proposed works, or to add to them or vary them, or to take lands otherwise than by agreement, they may by petition make application to the Lord Lieutenant in Council for an Order in Council authorising them to do any of the things aforesaid. Variation of works authorised by means of Provisional Order. Taking of land.

With respect to Orders in Council authorised to be made by the Lord Lieutenant under this Act, the following provisions shall apply:

(1.) The Lord Lieutenant shall not make any Order in Council under this Act unless public notice of the purport of the proposed Order has been previously given by advertisement in two successive weeks in some newspaper or newspapers circulating in the district or districts to which such Order relates, and once in some newspaper circulating in the city of Dublin.

(2.) Before making any such Order in Council, the Lord Lieutenant and Privy Council shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which

[257.]

C

A.D. 1889.

public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections.

- (3.) When an Order in Council authorising the Commission to take any land otherwise than by agreement is made, it shall be published in the district to which it relates in such manner as the Lord Lieutenant and Privy Council may direct; and if any owner or occupier of land authorised to be taken otherwise than by agreement presents a petition to the Lord Lieutenant in Council, within a period to be prescribed by general rules, against such Order, the Lord Lieutenant may submit such Order to Parliament for confirmation: and any such Order against which such petition as aforesaid is presented shall be of no force whatever unless and until it is confirmed by Parliament. Such Order, if no such petition is presented within the prescribed time, and any Order in Council under this section not authorising land to be taken otherwise than by agreement, shall become absolute, and shall be of the same effect as if it had been confirmed by Parliament.
- (4.) Any Act confirming any provisional order made in pursuance of this Act, and any Order in Council not requiring confirmation by Parliament made in pursuance of this Act, may be repealed, altered, or amended by a subsequent Order in Council made and confirmed, if it requires confirmation, in accordance with the provisions of this section.
- (5.) The fourth, sixth, seventh, and eighth subsections of section two hundred and fourteen of the Public Health (Ireland) Act, 1878, concerning the procedure relative to provisional orders shall apply to Orders in Council under this section with the substitution of the Lord Lieutenant in Council for the Local Government Board.
- (6.) The costs of all parties of and incident to an application for an Order in Council shall be in the discretion of the Lord Lieutenant in Council, and an order respecting costs shall be enforceable as if it were an order of the Chancery Division of the High Court.

The Lord Lieutenant in Council may from time to time make such general rules as may seem fit for regulating the procedure as to Orders in Council, and with respect to fees and the taxation and payment of costs and any other matter for the purposes of this section.

Provisional  
order may  
vary scheme.

**33.** If an Order in Council authorises any change in or abandonment of any of the works proposed in the plans originally adopted,



the Order may make such amendments in the scheme of the Commission relating to the cost of such works as may be deemed right.

A.D. 1850.

—

Power to  
authorities  
occupiers to  
construct  
drains.

34. The Commission, or the Conservancy Board after the works have become vested in that Board, may from time to time by order  
5 empower the occupier of any land within the catchment area to construct, or to clean or improve, any drain in, through, across, or under any land whatsoever for the purpose of connecting or keeping connected the field drainage of the land of such occupier with any watercourse under the control of the Commission or the Conservancy Board respectively. Such order shall be a sufficient  
10 authority to any person named therein, his agents and workmen, at all reasonable times to enter upon any land, and to do any works specified in the order, and to do all things necessary for that purpose, making reasonable compensation for any damage done by  
15 him or them, and also for the privilege aforesaid: and if any difference arise as to the amount to be paid for compensation, it shall be settled by the Commission or the Conservancy Board respectively, and their award shall be final.

35.—(1.) The Commission may, with the previous consent of  
20 the Lord Lieutenant, take down and remove or alter any bridge for the discharge of water under any public road, the alteration or removal of which is necessary or desirable for carrying into effect the purposes of this Act, and the Commission shall (if and when in the opinion of the Lord Lieutenant it is necessary) construct  
25 a temporary bridge in place thereof, and support and maintain the same until the completion of the works necessary for the restoration to public use of the said bridge.

Removal and  
rebuilding  
of bridges.

(2.) Where an existing bridge is taken down and removed, the Commission shall, (if and when in the opinion of the Lord  
30 Lieutenant it is necessary), construct a new bridge with the necessary roads of approach thereto, according to each plan, specification, and estimate as may be approved by the Lord Lieutenant.

(3.) If the removal or alteration of any such bridge was in the opinion of the Lord Lieutenant rendered necessary by reason of its  
35 having been originally improperly constructed, or subsequently altered, so as to be an impediment to the natural discharge of the water, having reference to the state of the river or stream at the time of the original construction or subsequent alteration of the bridge, as the case may be, or if it was in the opinion of the  
40 Lord Lieutenant in a ruinous or insecure condition, the expense of the alteration or removal and rebuilding thereof in pursuance of this section shall be charged on the county cess of the county in which the bridge is situate, and shall be paid and payable out of

A.D. 1885. such county cess to the Commission, and the certificate of the Commission purporting to be under their common seal shall be conclusive evidence of the amount of that expense :

Provided that where any bridge so re-built or altered is over a watercourse forming a boundary between two counties, the expense, 5 if chargeable to county cess, shall be payable thereout by the said counties in equal moieties.

Power to  
make bye-  
laws.

36.—(1.) The Commission, or the Conservancy Board after the works have become vested in that Board, may respectively from time to time make alter and repeal byelaws—

10

- (a) for prohibiting persons from throwing, or causing or suffering to fall or pass into any watercourse in respect of which any works have been commenced or executed, or are maintained by the Commission or the said Board, any weeds, stones, soil, or other solid matter calculated to cause an obstruction therein, or placing or permitting to remain any milldam, navigation weir, fish weir, eel weir, or other obstruction in any such watercourse without the consent of the Commission or the said Board ; and
- (b) for prohibiting persons from injuring or permitting to be 20 injured any embankment or other work which has been commenced or executed or is maintained by the Commission or the said Board ; and
- (c) for requiring marks to be affixed on sluices or other works, and for prohibiting persons from defacing, removing, or 25 injuring marks placed by authority of the Commission or the said Board on any sluice or other work, and from defacing, removing or injuring any notice of the Commission or the said Board ; and
- (d) for regulating in conformity with marks affixed as aforesaid 30 the opening and closing of flood gates, hatches, and sluices within the contributory area in time of flood or apprehended flood ; and
- (e) for prohibiting persons from injuring or removing any pegs, poles, or other marks placed by authority of the Commission or 35 the said Board for the measurement of any works authorised by this Act, or for any other purpose connected with such works.

41 & 42 Vict.  
c. 52.

(2.) Sections two hundred and nineteen to two hundred and twenty-three (both included) of the Public Health (Ireland) Act, 40 1878, shall apply to byelaws made by the Commission or the Conservancy Board under this Act, with the substitution of the

Commission or the Conservancy Board under this Act for a sanitary authority under that Act, and of the Board of Works for the Local Government Board.

A.D. 1889.

—

(3.) Penalties imposed by byelaws made under this section may be recovered in a summary manner.

37.—(1.) Any person who wilfully obstructs any person acting under the authority of the Commission or the Conservancy Board in the lawful exercise of any powers vested in the Commission or the Conservancy Board for the purposes of this Act, shall for each offence be liable to a fine not exceeding *ten pounds*, to be recovered in a summary manner.

Penalty for obstructing Board.

(2.) Where the banks or the embankments of any watercourse made, opened, widened, deepened, embanked, improved, maintained, or repaired in pursuance of this Act, are broken down or damaged by cattle grazing or being upon any lands shutting upon such watercourses, by reason whereof such watercourse is injured or obstructed, the person or persons occupying the lands at the time of such damage shall be deemed to have committed an offence under this Act.

38.—(1.) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within *twelve months* next after the act or thing is done or omitted, or, in case of a continuance of injury or damage, within *twelve months* next after the ceasing thereof.

Protection of persons acting under Act.

(2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect the costs of any injunction or motion for an injunction in the action.

39. A justice shall not be disqualified from acting in any case arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or

Removal of disqualification of justices.

A.D. 1889. — payment or fund out of which any expenses of carrying this Act into effect are to be defrayed.

Saving of  
existing  
liabilities to  
repairs.

40. Subject to the provisions of this Act, the liability of any person to defray or contribute towards the expense of making, completing, altering, repairing, or maintaining any sewer or drain or any walls or works for protecting any land against the force or encroachments of any river, or doing any other work within the catchment area, shall continue, and the same may be enforced as if this Act had not been passed.

Formation  
of other  
districts.

41. Nothing in this Act contained shall be deemed, construed, or taken to affect or prejudice the right of any person or persons to constitute a separate drainage district, pursuant to the provisions of the Drainage and Improvement of Land Act (Ireland), 1863, and the Acts amending the same.

26 & 27 Vic.  
c. 88.

With reference to any such drainage district the following enactments shall apply, anything in any of the said Acts notwithstanding:—

(1.) The owners of any land included or proposed to be included in such drainage district may agree with the person occupying the said land as tenant that such tenant shall, for the purposes of the said Acts, be substituted for the owner.

(2.) If within the time limited for making objections to the report of the inspector sent by the Board of Works respecting the proposed formation of such drainage district, the owner of any land within the proposed district dissents from or does not assent to the formation of such district, the person occupying such land as tenant may apply to the Board of Works to be substituted for the said owner for the purposes of the said Acts; and if, after the Board of Works have served on the said owner notice of the application, the said owner does not within a period to be prescribed by such notice assent to the formation of the district, the Board of Works, after hearing any objection made by the said owner and any other person having any estate or interest in the land, and on its appearing to them—

(a.) that the proposed works for arterial drainage will effect immediately or prospectively an increase in the annual value of the said land, proportionate to the sums likely to be charged thereon in respect of the expenses of the said works and the maintenance and repair thereof; and

(b.) that the amount charged on the said land under an award made in pursuance of the said Acts, or a substantial

part of that amount, is likely to become payable during the continuance of the tenancy then current in the said land,

A.D. 1889.

and having regard generally to the justice of the case may, if they think fit, by order direct that such tenant shall for the purposes of the said Acts be substituted for the owner of the said land, but without prejudice to the right of the owner to dissent from the formation of such drainage district.

(3.) Where in pursuance of this section the tenant of any land is substituted for the owner thereof for the purposes of the said Acts, the tenant for the time being of such land, during the continuance of the tenancy current at the time of such substitution, shall in respect of such land be vested with all the rights and be subject to all the liabilities and obligations of an owner for the purposes of the said Acts, and the owner shall, during the same period, be divested of such rights and exempt from such liabilities and obligations, but on the determination of the said tenancy the owner shall become vested with and subject to all such rights, liabilities, and obligations as aforesaid.

(4.) For the purposes of this section the words "tenant" and "tenancy" shall have the same meaning as in the Land Law (Ireland) Act, 1881, and the provisions of that Act respecting the determination of a tenancy, shall apply to the case of a tenancy to which the provisions of this section are applicable.

44 & 45 Vict.  
c. 49.

42. The following bodies; (that is to say,)

(a) the Lough Neagh Drainage Trustees, and

(b) the Lower Bann Navigation Trustees, and

(c) every other corporation or Drainage Board exercising powers under any Act of Parliament or Provisional Order made before the passing of this Act with reference to the arterial drainage of lands in any part of the catchment area of Lough Neagh or the Lower Bann,

Dissolution  
of existing  
authorities  
and transfer  
of property,  
&c.  
to Board.

shall be dissolved; and all property, choses in action, powers, rights, and privileges of any such corporation or board, shall be transferred to and shall at first vest in and be exercisable by the Commission, and, when the works become vested in the Conservancy Board, shall vest in and be exercisable by that Board.

The Commission or Conservancy Board may carry on, or commence and maintain, in their own name any action or proceeding which such dissolved corporation or board might have carried on, commenced, or maintained.

A.D. 1889.

All moneys, stocks, and securities standing in the name of any such dissolved corporation or board in the books of any bank shall be transferred to the Commission.

All records and documents of any such dissolved corporation or board shall be transferred to the Commission. 5

All contracts of hiring or employment made by any such dissolved corporation or board shall be deemed to be rescinded.

All debts or liabilities of any such dissolved corporation or board incurred *before the passing of this Act* shall be discharged by the Commission. Any such debts or liabilities incurred *after* 10 *the passing of this Act* shall be discharged by the Commission if they were necessarily and properly incurred for any work of maintenance or for the preservation of any rights or property.

The cost of maintenance and repair of drainage works executed by any such Corporation or Board shall be defrayed by the Com- 15 mission or the Conservancy Board, but, subject to the provisions of this Act, shall be charged in the same manner as if this Act had not been passed.

26 & 27 Vict.  
c. 88.

Proprietors of land situated in a drainage district constituted under the Drainage and Improvement of Lands Act (Ireland) 1863, 20 who were liable to pay maintenance charges to the drainage board of the district, shall continue to be liable to pay the like charges to the Commission, and, after the works have become vested in the Conservancy Board, to that Board, provided that they shall not be required to pay more than the sum actually expended for maintenance of such 25 works, nor more than the average charge which they were liable to pay on the average of the *five years* preceding the *passing of this Act*. The said average charge shall be determined by an engineer to be appointed by the Board of Trade for that purpose, on the application of the Commission, and all the costs of and incident to 30 such determination shall be borne and paid by such persons and in such manner as the said engineer shall direct.

The rights, powers, and duties of the Lower Bann Navigation Trustees concerning navigation in Lough Neagh shall be transferred to the Upper Bann Navigation Trustees. 35

This section shall come into operation when the Bann Conservancy Board is duly constituted and has resolved that the Commission may undertake the works authorised by or under this Act.

States of  
Conservancy  
Board as in  
schedule.

43. The provisions concerning the Conservancy Board contained in the schedule to this Act shall have the same effect as if they 40 were enacted in the Act.

44. In this Act, unless the context otherwise requires, the following expressions and words shall have the meanings hereby assigned to them :

A.D. 1899.  
Definitions.

"The Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being :

"The Treasury" means the Commissioners of Her Majesty's Treasury :

"High Court" means Her Majesty's High Court of Justice in Ireland :

"Local Government Board" means the Local Government Board for Ireland.

"Clerk of the Crown and Peace" includes Clerk of the Peace where the offices of Clerk of the Crown and Clerk of the Peace have not been united under the provisions of the County Officers and Courts (Ireland) Act, 1877.

"The Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; and the Railways Act (Ireland), 1864.

"Lands" has the meaning attached thereto in the Lands Clauses Acts, and includes any estate or interest in land, and also any right of water, right of fishing, right of way, or easement :

"Watercourse" includes any river, stream, drain, sewer, or passage through which water flows :

"Bridge" includes culvert and archway :

"Person" includes a body of persons corporate or not corporate.

40 & 41 Vict.  
c. 56.  
§ 2 & 9 Vict.  
c. 15.  
23 & 24 Vict.  
c. 106.  
14 & 15 Vict.  
c. 79.  
23 & 24 Vict.  
c. 57.  
27 & 28 Vict.  
c. 71.

A.D. 1889.

## SCHEDULE

## REGULATIONS FOR BOARD.

1. The following provisions shall apply to the Conservancy Board:

2. Subject to the provisions of this Act concerning the first members of the Conservancy Board, a conservator shall hold office for six years, and on the 5 day prescribed by the Commission shall retire, and his place shall be taken by a conservator appointed or elected in like manner as aforesaid. This provision shall not apply to the member appointed by the Lord Lieutenant, who shall hold office upon such terms as the Lord Lieutenant may direct.

3. Every conservator going out of office shall, if qualified, be re-eligible; 10 and if at any time when an election ought to take place the places of any retiring conservators are not filled up, the Lord Lieutenant may appoint any qualified persons to fill those places.

4. Any casual vacancy occurring in the Conservancy Board may be filled 15 up by the Board; but any person so chosen shall retain his office so long only as the vacating conservator would have retained the same if the vacancy had not occurred. This provision shall not apply to the member of the Board appointed by the Lord Lieutenant.

5. An act or proceeding of the Conservancy Board shall not be questioned 20 on account of any vacancy or vacancies in their body.

6. Any person who acts as member of the Conservancy Board without being qualified shall be liable to a fine not exceeding fifty pounds; and in any proceeding for the recovery of such fine the burden of proving qualification shall be upon the person against whom such proceeding is taken.

7. After the works have become vested in the Conservancy Board, the 25 Conservancy Board may transact the business committed to them by this Act by means of one or more standing committees, consisting of such member or members of their body as they think fit; and any committee so formed shall, in the exercise of the powers delegated conform to any regulations that may be imposed on them by the Board. 30

8. All acts done by any meeting of the Conservancy Board, or by any committee thereof, or by any person acting as a member thereof, shall, notwithstanding that it may be afterwards discovered that there was some defect in the constitution of the Board or committee, or in the appointment or 35 election of the person acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed or elected, and was qualified to be a member.

9. The proceedings of the Board and of committees thereof shall be conducted in accordance with the rules made by the Commission.







# Bann Drainage Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

## MEMORANDUM.

A.D. 1889.

The First Report of the Royal Commission on Public Works in Ireland gives the history of the drainage and navigation of the river system, consisting of Lough Neagh, with the Upper Bann, Blackwater, and other affluents, and the Lower Bann :—

The works were executed between 1847 and 1861, at a cost of 264,000*l.*, of which 109,000*l.* was a free grant from Parliament. The objects aimed at were the drainage of the main basin, and the provision of a navigable channel from Lough Neagh to the tide-way above Coleraine. Great benefits resulted from the drainage works, more especially during the first ten years after their completion. The navigation works were well constructed, but have proved a failure financially; the average annual outlay being 1,100*l.*, while the receipts are only 70*l.*

It is to be observed that there is a railway at each side of the Lower Bann.

Two public bodies at present manage these works; namely, the Lough Neagh Drainage Trustees, who have the care of the works on the lake and its tributaries, and of the weir basins on the Lower Bann: and the Lower Bann Navigation Trustees, who have charge of the rest of the river down to the tidal waters.

Since the Report of Lord Monck's Commission in 1882, proposals to abandon the navigation in the interests of the drainage have been brought before the grand juries of the counties interested, and these bodies now concur in sanctioning that course.

The Royal Commission recommend works which may be described in general terms as dredging, deepening, widening, and improving the channels of the Lower Bann; the construction of sluices at some of the weirs, and the removal of obstructions. They also recommend that the navigation should be abandoned. It is not, however, proposed to dismantle the locks; they will be preserved so as to be available should navigation be again attempted. It is proposed to remove portions of the weirs, and to embank part of the river. The estimate of the cost of the works is 65,000*l.*

[Bill 344.]

A.D. 1889. The Bill proposes to carry out these recommendations in the following manner:

It proposes that a commission shall be constituted, consisting of the four members of the Royal Commission of 1886. It is to be their duty to define the catchment area of the lake and river; to draw up a scheme for the election of a permanent Conservancy Board; to lay before that Conservancy Board, when constituted, the plans of the works, an estimate, or scheme, declaring the liability which will have to be borne by the occupiers of the lands which are to be specially charged, and by the county cess of those baronies and townlands which the Commission are of opinion ought to contribute, as being within the catchment area of the lake and river; and generally, to put the Conservancy Board in possession of all the information requisite for enabling them to decide whether the works are to be undertaken.

The Conservancy Board is to consist of persons nominated by the Boards of Guardians of the Unions within the catchment area; and of persons elected by the occupiers of lands which will be specially charged; and of persons representing the towns in the district having Town Commissioners; together with one representative of the Government, who shall be a member of the board, but without a vote.

The persons elected to represent the occupiers of lands specially charged will constitute three fourths of the Board.

The Conservancy Board may reject the scheme proposed for their adoption; if they do, power is taken to hold a second election for a new Conservancy Board. If the new board also reject the scheme, the Act lapses.

If the Conservancy Board, representing the several interests above mentioned, are in favour of the work being proceeded with, then, but not otherwise, the Commission may commence to execute them. The Commission will be furnished with funds by means of advances made from time to time by the Government. The estimated cost of the works is 65,000*l.*, of which it is proposed to charge 8,000*l.* upon lands specially benefited; 37,000*l.* upon the county cess of baronies and town lands within the catchment area; and the residue, 20,000*l.*, shall be supplied as a free grant from moneys voted by Parliament. The local charge, whether payable out of the county cess or by the occupiers of lands specially charged, will be defrayed by means of an annual charge of 4*l.* 10*s.* for every 100*l.* advanced by Government, payable for a term of 40 years, commencing, as regards county cess, from the date of the advance,

and as regards the specially benefited districts, commencing when the capital money has been expended on the works. A.D. 1889.

The charge upon the special districts, for the repayment of the sum of 8,000*l.*, will be 360*l.* per annum, which will be apportioned amongst them by a final award, in proportion to the benefit received by them from the works.

The maintenance charges are to be defrayed partly by county cess and partly by the occupiers of lands specially charged, in the same proportion as the charges for construction.

The maintenance charge payable by the improved lands will be about 66*N.* per annum, making, with the charge for capital expenditure, a sum of 1,020*l.* per annum. The maintenance charge upon county cess will be about 3,383*l.*, and, with the charge for capital expenditure, about 1,665*l.* per annum, will add about a penny in the pound to the grand jury cess in the catchment area.

If during the progress of the works it is found expedient to abandon or vary any part of the scheme as shown in the plans, power may be given, by Order in Council, to the Commission to do so. But if for the purposes of such variation it would be necessary to acquire any land in addition to what the Bill authorises the Commission to take, then the Order in Council is to be a provisional order, requiring confirmation by Parliament, if objected to.

The Bill proposes, in accordance with the recommendation of the Royal Commission and the consent of the Grand Juries, that the navigation in the Lower Bann shall be abandoned, and that the Lough Neagh Drainage Trustees, and the Lower Bann Navigation Trustees, shall be dissolved. The Commission, and subsequently the Conservancy Board, will stand in their place for purposes other than the maintenance of the Navigation, and will become liable to pay off their debts, if any.

It is no part of the design to lower the summer level of Lough Neagh; on the contrary, the proposed works will tend to prevent the water in the Lough from falling as much below the summer level as happened in 1887. The Bill provides that neither the Commission nor the Conservancy Board shall open or keep open the sluices at Toome at any time when the water in the Lough is at or below the summer level.

When the works are completed, they will be handed over to the Conservancy Board for maintenance.





*Chases.*

27. Incorporation of certain provisions of 8 & 9 Vict. c. 20.
28. Saving rights in fisheries.
29. Temporary interference with salmon weir.
30. Saving rights of the Irish Society.
31. Saving rights of Countess of Shaftesbury.
32. Certain provisions of 10 & 11 Vict. c. 16. incorporated.
33. Accounts and audit.
34. Variation of works authorised by means of Provisional Order.  
Taking of land.
35. Provisional order may vary scheme.
36. Power to authorise occupiers to construct drains.
37. Removal and rebuilding of bridges.
38. Power to make byelaws.
39. Penalty for obstructing the Conservancy Board.
40. Protection of persons acting under Act.
41. Removal of disqualification of justices.
42. Saving of existing liabilities to repair.
43. Formation of other drainage districts.
44. Dissolution of existing authorities and transfer of property,  
&c. to Board.
45. Status of Conservancy Board as in schedule.
46. Definitions.

**SCHEDULE.**



A  
B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The improvement of the Drainage of Lands and for the prevention of Inundations within the catchment area of Lough Neagh and the Lower Bann, and for other purposes relating thereto.

A.D. 1889.

WHEREAS in pursuance of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, and of the Acts amending the same, certain works were executed under the direction of the Commissioners of Public Works in Ireland for the drainage of lands in the district of Lough Neagh and for the improvement of the navigation of the Lower Bann River :

And whereas the duty of maintaining the said works is entrusted partly to the Lough Neagh Drainage Trustees, constituted under the said Acts, and partly to the Lower Bann Navigation Trustees, constituted under the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty-two :

And whereas great benefits resulted from the said drainage works, but at the present time serious inconvenience and loss arising from floods are sustained by occupiers of lands adjoining the said river and lough, and it would be of great public and local advantage if further works were executed for the relief of those lands and for the improvement generally of the drainage of lands within the catchment area of the said river and lough :

And whereas it is expedient that a Board representing the various interests concerned should be constituted for the purpose of executing such last-mentioned works and maintaining the same when completed; and that such Board should also be entrusted with the duty of maintaining the works heretofore executed for the drainage of lands within the said area; and that the powers of any other existing corporation or body of persons constituted

[Bill 344.]

A

A.D. 1889.

under any Act of Parliament with reference to the arterial drainage of lands within the said area should be transferred to the Board :

And whereas the annual expenditure upon the Lower Bann Navigation is largely in excess of the income arising therefrom, 5 and it is expedient to provide for the abandonment of the said navigation :

And whereas the total cost of the works proposed for the purposes of this Act, as estimated, will amount to about sixty-five thousand pounds, and it is expedient to provide funds for defraying the said 10 cost, and also to make provision for defraying the expenses of maintaining such works as aforesaid :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 15 by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Bann Drainage Act, 1889.

Constitution of Commission.

2. The following persons shall be constituted a Commission for the purposes of this Act, that is to say, Sir James Joseph Allport, Knight; James Abernethy and John Wolfe Barry, Esquires, Civil 20 Engineers; and Joseph Todhunter Pim, Esquire. The Commission shall be styled the Bann Commission, and shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without license in mortmain; and is herein-after referred to as "the Commission." 25

Duties of Commission.

3. The Lord Lieutenant may, if he thinks it necessary, appoint a fit and proper person to fill any vacancy occurring from time to time amongst the members of the Commission :

(1.) The Commission shall ascertain and declare what are the local limits of the catchment area of the Lough Neagh and the 30 Lower Bann.

(2.) They shall prepare a scheme, having a draft schedule attached thereto, charging a sum of eight thousand pounds, being a portion of the estimated cost of the proposed works, upon lands for the special benefit of which the proposed works 35 are designed; and charging a sum not exceeding thirty-seven thousand pounds upon the county cess of those baronies and townlands, or such of those baronies and townlands, which are situated within the catchment area.

In such scheme they shall divide the lands for whose special 40 benefit the proposed works are designed into districts (referred to in this Act as special districts) of such number and extent

as they think best, and shall charge a gross amount calculated as herein-after is mentioned upon each special district. A.D. 1889.

They shall also specify in such draft schedule—

(a) the lands comprised in the special districts. (In this section and elsewhere in this Act the term "land" includes a house);

(b) the persons occupying or reputed to occupy the said lands, and the portion of land occupied by each;

(c) the annual value of the said lands before the execution of the works, and the estimated increase in such value resulting from the proposed works;

(d) the gross amount to be charged on each occupier's portion of the said lands. Such gross amount shall be the aggregate of the proportion of the said sum of eight thousand pounds and the proportion of such sum for interest thereon from the date of the advance to the date of the award pursuant to this Act as the Commission shall fix; and

(e) all such other matters and things as the Commission think proper.

The sum to be charged upon the county cess of baronies and townlands shall be apportioned between them by the Commission, according to their respective valuations.

As between the counties liable to contribute and the special districts, the apportionment indicated by the scheme shall be final.

(3.) The Commission shall prepare a scheme for the establishment and constitution of the Barr Conservancy Board (herein-after referred to as "the Conservancy Board").

(4.) The Commission shall prepare such further information concerning the proposed works and the charge therefor, and all other matters, as may be necessary for enabling the Conservancy Board, when constituted, to determine the expediency of undertaking the works authorised by this Act.

The Commission shall not have power to undertake any works until they have obtained the assent of the Conservancy Board. They may, with the consent of the Treasury, employ an engineer and such officers and clerks as may be necessary to enable them to discharge the duties imposed upon them by this Act. The Commissioners of Public Works in Ireland (herein-after referred to as "the Board of Works") may from time to time advance to the Commission, out of moneys to be voted by Parliament, such sums as the Treasury may sanction.

A.D. 1889.

A draft  
schedule to  
be published,  
and a copy  
deposited  
with the  
clerks of the  
Crown and  
Peace and  
unions.

4. When such draft schedule as aforesaid shall have been prepared, the Commission shall cause a copy thereof to be deposited with the clerk of the Crown and Peace of the county and the clerk of each of the several unions wherein the lands drained and improved, or any part thereof, may be situated; and such clerks of the Crown and Peace and clerks of unions are hereby authorised and required to receive the same; and the Commission shall cause notice of such lodgment to be inserted in one or more of the newspapers usually circulated in the counties or districts in which such several unions are situated once in each week for three successive weeks and once in some newspaper circulated in the City of Dublin; and the Commission shall also in such notice require all persons being occupiers or proprietors of lands proposed to be charged as being improved, who may desire to object to such schedule, to lodge their objections at such time and place as shall be therein specified, and they shall also in the said notice state that some person acting for them will proceed to hear and inquire into any objections which may be lodged at such time and place, or times and places, as shall in such notice be named.

Examination  
into objections

5. The Commission or one of them or some fit and proper person appointed by the Commission shall attend at such time and place, or times and places, so appointed, and shall examine into the matter of any objections to the schedule which shall have been lodged within the time specified in such notice as aforesaid, and shall hear all proper evidence relative thereto, and may adjourn such attendance from time to time, and shall make such alteration as may to them or him seem proper, and finally settle the said schedule: Provided always, that the whole amount of the said sum of eight thousand pounds and such sum for interest thereon from the date of the advance to the date of the award pursuant to this Act as the Commission shall have fixed as aforesaid, shall, notwithstanding any alteration which on the hearing of any such objections it may be deemed proper to make, be charged on the lands in the special districts.

Charge for  
repayment  
of advances.

6. When from time to time an advance by way of loan is made by the Board of Works in pursuance of this Act, the repayment thereof shall be a charge upon the county cess of the baronies and townlands liable to contribute to such repayment, and upon the lands situated in the special districts, according to the proportions proscribed by this Act; which charges respectively shall commence to be paid at the times provided by this Act.

7. From the first day of the Spring Assizes in the case of each advance made within the six calendar months next preceding the first day of February next before the said assizes, and from the first day of the Summer Assizes in the case of each advance made within the six calendar months next preceding the first day of June next before the said assizes, the county cess of the said baronies and townlands shall be charged with the payment to the Board of Works of an annuity of four and a half per cent. on the proportion of the advance specified in the scheme to be charged on the county cess of those baronies and townlands respectively; and the annuity shall be payable for forty years, and shall be paid by equal half-yearly payments on such days after the Spring and Summer Assizes respectively as may be specified in the scheme.

A.D. 1839.

Charge on county cess.

15 The annuity shall be paid by means of an addition to the county cess levied from time to time in the said baronies and townlands.

8. When directed by the Treasury, on or before the completion of the works, the Commission shall make an award based upon the said schedule settled by the Commission, in which they shall set forth the several parcels or portions of land in the special districts drained and improved, and the original and increased values thereof; and such award shall also specify the due proportion chargeable in respect of each such parcel of land of the amount by this Act directed to be charged upon the lands in the special districts, with the amount in each case repayable as in this Act provided, and shall also set forth such other matters and things as to the Commission shall seem fit and proper.

Charge on holdings.

9. The Bans Conservancy Board, as constituted by the Commission, shall consist of members representing the occupiers of lands in the special districts, elected by such occupiers; and members representing the towns having town commissioners within the catchment area, nominated by the town commissioners of those towns; and members representing the poor law unions within the catchment area, nominated by the boards of guardians; and one member to be appointed from time to time by the Lord Lieutenant, who shall not be entitled to vote, but shall in other respects have the same position as other members of the Board.

Constitution of the Conservancy Board.

The number to be nominated by the boards of guardians and town commissioners shall be such as the Commission think proper, and such nominated members taken together shall constitute one

A.D. 1889. — third of the Board; but if the numbers of the Board are not equally divisible by three, the Commission shall take the next lower number which is so divisible, and the nominated members taken together shall constitute one third of such lower number. The remainder of the Board shall be constituted by the members representing the occupiers of land in the special districts, and the member appointed by the Lord Lieutenant.

The scheme of the Commission shall make provision as to the time and mode of nomination by the boards of guardians and town commissioners.

A Poor Law Union shall be deemed to be situated within the catchment area, if the greater part in value of the union is within the area.

The elected members shall be elected, in the manner provided by the scheme, by the occupiers of land within the special districts; and each elector shall be entitled to vote according to the scale contained in the eighty-first section of the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, intituled An Act for the more effectual relief of the destitute poor in Ireland, as amended by any other Act or Acts, as if the special district were a Poor Law Union.

1 & 2 Vict.  
c. 56.

The persons qualified to vote shall be all persons appearing in the grand jury applotment books as liable to pay grand jury cess in respect of the occupation of any rateable hereditament within any special district.

If the Commission determine that the election shall be by voting papers, the Commission may make regulations for the distribution and collection of the voting papers, and the verification and counting thereof, and for all other matters appearing to them necessary or proper for taking such vote. Secretaries of grand juries and collectors of grand jury cess shall supply such information to the Commission for enabling them to take a vote as they may require. The Royal Irish Constabulary shall give such service and assistance to the Commission in the distribution and collection of voting papers as the Inspector General shall order.

If any person shall knowingly and fraudulently tender a vote which he is not entitled to give, or shall forge, falsify, or knowingly and fraudulently alter after signature any voting paper, or shall knowingly tender or forward any voting paper forged, falsified, or altered as aforesaid, or shall without lawful reason suppress, carry off, destroy, or deface any voting paper after it has been issued to a voter, he shall be guilty of an offence, and may be

prosecuted in a summary manner, and shall on conviction be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

The decision of the Commission as to the right of any person to vote, as to the validity of any voting paper, and as to the result of the voting, shall be final, and a certificate purporting to be under their common seal shall be conclusive evidence of the result of the voting.

The vote shall not be invalid by reason of any error or omission, or thing done, in or about the taking of it, unless the Commission think it expedient to quash the vote by reason thereof, and to proceed to a fresh vote.

The ordinary term of office of a member of the Conservancy Board shall be six years; and the scheme shall provide that one third, or such other proportion as may be as near to one third as possible, of the members of the Conservancy Board representing the occupiers of land in the special districts, and one third, or such other proportion as may be as near to one third as possible, of the other members of the Board, shall retire at the expiration of successive periods of two years. The scheme shall make provision for determining the persons who are to retire at the end of each of the first three triennial periods after the constitution of the Conservancy Board. This provision shall not apply to the member of the Conservancy Board nominated by the Lord Lieutenant.

The Commission may by the scheme make rules relative to the time and place and mode of election of the elected members of the Conservancy Board, and as to the returning officer, and his powers and duties, and for notices, and generally for all purposes relating to the elections of members of the Conservancy Board, and also relative to the time and place, and summoning of meetings of the Conservancy Board, and the quorum, and the appointment of chairman, and relative to committees of the Board, and the keeping of minutes, and generally for the transaction and management of the business of the Conservancy Board.

The Conservancy Board when constituted may from time to time, with the sanction of the Lord Lieutenant, repeal, amend, or add to the rules made by the scheme of the Commission.

The Conservancy Board shall be a body corporate, with perpetual succession and a common seal, and with a power to sue and be sued, and to take and hold land without license in mortmain.

They may appoint or employ an engineer, and such other officers and persons as may be necessary for the execution of the duties imposed on the Conservancy Board by this Act.

A.D. 1889.

Decision of  
Conservancy  
Board as to  
proceeding  
with works.

10. The Conservancy Board when constituted may, if they think it expedient, after due examination, resolve that the Commission may proceed with the proposed works in accordance with the plans brought before them by the Commission, subject to the power of varying the same by means of an Order in Council, as herein-after 5 provided. If the Conservancy Board resolve that the Commission shall not proceed with the proposed works, that Board shall forthwith be dissolved, and their powers under this Act shall be at an end. If that event happens, any twenty or more occupiers of land within the catchment area, valued at not less in the aggregate than one 10 thousand pounds, may, within a period of two years, require the Commission to proceed to institute fresh elections and nominations in the manner aforesaid, and the second Conservancy Board when constituted may, if they think it expedient, after due examination, resolve that the Commission may proceed with the proposed works 15 in accordance with the said plans, subject to the power of varying the same by means of an Order in Council, as herein-after provided. If such second Conservancy Board resolve that the Commission shall not proceed with the proposed works, then the Conservancy Board and the Commission shall be dissolved, and the powers of 20 executing such works granted by this Act shall be at an end.

Works  
authorised  
for purposes  
of Act.

11. In order to carry into effect the purposes of this Act, the Commission may construct the embankments and works shown in the said plans, subject to the power of varying the same by means of an Order in Council, as herein-after provided; and may also 25 within the catchment area—

- (a) deepen, widen, straighten, embank, and otherwise improve any watercourse or outfall for water, and remove any milldam, navigation weir, fish weir, eel weir, sluice, or other obstruction to any watercourse or outfall for water, and raise, widen, 30 and otherwise alter any wall, embankment, milldam, navigation weir, fish weir, eel weir, sluice, or any dam or defence against water; and
- (b) make any new watercourse or outfall for water, and erect any new embankment, dam, weir, sluice, or defence against water, 35 and fill up or re-open any disused watercourse; and
- (c) provide for the abandonment of the navigation of the Lower Bann, and regulate, control, and alter the water level of the Lower Bann, and of any watercourse within the catchment area; provided, however, that it shall not be lawful for the 40 Commission, or for the Conservancy Board, when the works become vested in them, to open or to keep open the sluices at



Toome at any time when the water in Lough Neagh is at or below the summer level; and A.D. 1889.

- (d) temporarily stop the navigation in any watercourse; and  
 (e) erect any machinery and do any acts and things necessary or proper for effecting the above-mentioned purposes or any of them.

Save as provided by this Act, the Commission shall not incur liability to make compensation for anything done by them in exercise of their powers under this section.

- 10 **12.** The cost of the works to be executed for the purposes of this Act shall be defrayed in the following manner; (that is to say,) Provision of money for works.

(1.) A part of the cost shall be defrayed out of money provided by Parliament as a free grant, to an amount not exceeding in the whole twenty thousand pounds;

- 15 (2.) The Board of Works may from time to time, with the consent of the Treasury, out of money at their disposal for the purpose of loans, make advances by way of loan to the Commission, and the Commission may borrow to an amount not exceeding in the whole forty-five thousand pounds on the securities in this Act mentioned;

20 Of the sum of forty-five thousand pounds, a sum not exceeding thirty-seven thousand pounds shall be charged upon county cess, and a sum of eight thousand pounds upon the special districts.

- Every sum from time to time appropriated for the purpose of defraying any part of the cost of the said works shall be so provided and advanced partly by way of grant and partly by way of loan, as the Treasury may direct.

- (3.) Advances on account of the said grant and loan may be made from time to time to the Commission in such manner and on such conditions respecting the works to be executed and the mode and order of executing the same and otherwise, as the Lord Lieutenant with the sanction of the Treasury may prescribe.

13. If and so far as the amount of any purchase money or compensation which shall become payable in respect of any land required by the Commission or the Conservancy Board, or in respect of any damage, loss, or injury occasioned by the exercise of any of the powers of this Act, shall not be paid out of the moneys provided by this Act for the cost of the works the amount of such purchase money or compensation shall be defrayed in the following manner; (that is to say,) Provision of money for compensation.

(1.) One third of the said amount shall be defrayed out of money to be provided by Parliament as a free grant:

[344.]

B

A.D. 1889.

(2.) The Board of Works may from time to time, with the consent of the Treasury, out of money at their disposal for the purpose of loans, advance by way of loan to the Commission or Conservancy Board, as the case may be, and the Commission or Conservancy Board may borrow to an amount not exceeding two thirds of the said amount, and the sums so advanced shall be charged upon the special districts.

Lands to become chargeable with rentcharge.

14.—(1.) The several lands mentioned in the said schedule settled by the Commission shall from the gale day next preceeding the date of the award become charged with the payment to Her Majesty of an annual rentcharge of four pounds ten shillings for every one hundred pounds charged on the said lands respectively for the repayment of any loan for defraying the cost of the works, and so in proportion for every lesser amount to be payable for the term of forty years, such rentcharge to be paid by equal half-yearly payments, on the first day of May and first day of November in every year, the first of such payments to be made on the first of such days which shall happen after the date of said award.

(2.) The said lands shall from the date of each advance become charged with the payment to Her Majesty of an annual rentcharge of four pounds ten shillings for every one hundred pounds charged on the said lands respectively for the repayment of any loan for defraying the amount of any purchase money or compensation, and so in proportion for every lesser amount to be payable for the term of forty years, such rentcharge to be paid by equal half-yearly payments on the first day of May and first day of November in every year, the first of such payments to be made on the first of such days which shall happen next after the advance.

Payment and recovery of annuity charged on holdings.

15. Any sum from time to time due on account of any annuity charged upon a portion of land under this Act shall be payable by the person or persons occupying the premises at the time the payment is demanded, although such person or persons did not occupy the same at the time such sum became due.

The annuity or any part thereof may at any time be redeemed by the person for the time being liable to pay the same on such terms as may be agreed on by the Board of Works with the consent of the Treasury.

Any annuity payable under this Act shall be paid to the Board of Works, or to such persons and in such manner as the Treasury may from time to time appoint.

Without prejudice to other remedies, the annuity shall be recoverable by the Board of Works in manner in which rentcharges

in lieu of tithes are recoverable in Ireland, subject to this qualification, that the Civil Bill Court of the county in which the land upon which the annuity is charged, or any part of such land, is situate shall have jurisdiction to hear and determine cases where the amount claimed does not exceed fifty pounds; and a certificate, purporting to be under the common seal of the Board of Works, shall, until the contrary is proved, be conclusive evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein is due to the Board of Works from such person.

A portion of land situated within a special district, and chargeable for that reason, shall not, in consequence of its being so chargeable, be exempt from grand jury cess assessed in pursuance of this Act.

16. Every annuity charged upon lands under this Act shall take priority of all charges and incumbrances whatsoever and whensoever made, and of all rent payable out of the said lands, save and except quitrents and rentcharges in lieu of tithes, and also save all charges prior in date (if any) created under the authority or provisions of any of the Drainage Acts or the Land Improvement Acts.

Priority of  
rentcharge.

17. Any increase in the value of any land which shall have resulted from the execution of works pursuant to the provisions of this Act shall be excluded in ascertaining the value of such land for the purpose of fixing a judicial rent therefor under the Land Law (Ireland) Act, 1881, and any Act amending the same.

Improvement to be  
excluded from judicial  
rent.  
45 & 46 Vict.  
c. 49.

18. The thirty-ninth, fortieth, fifty-second, and fifty-third sections of the Act of the tenth year of the reign of Her present Majesty, chapter thirty-two, intituled an Act to facilitate the improvement of landed property in Ireland, as amended by any other Act, shall, so far as the same respectively are not inconsistent with any of the provisions of this Act, be deemed to be incorporated in this Act, save that every act in any of said sections directed to be done by or to the Paymaster of Civil Service shall be done by or to the Board of Works, and shall be as effectual to all intents and purposes as any such act would have been if done by or to the Paymaster under the provisions of the said first-mentioned Act. In the said sections references to an owner of lands shall be construed as if they were references to the occupier of such lands.

Incorporation of  
certain  
sections of  
10 Vict. c. 32,  
for recovery of rent-  
charge.

19.—(1.) On the completion of the works, or when directed by the Lord Lieutenant, the Commission shall, by order under their

Maintenance  
of works.

A.D. 1889. seal, declare that the works executed under this Act, and also any other drainage works formerly belonging to any other corporation or drainage board in the catchment area, and transferred to the Commission by virtue of this Act, with all land, ways, rights, and appurtenances thereto belonging, shall be transferred to the Conservancy Board, and the same shall thereupon vest in the Conservancy Board. It shall be the duty of the Conservancy Board to maintain and keep in repair the works executed under and for the purposes of this Act, and all works executed for the like purposes within the catchment area before the passing of this Act, and the Conservancy Board may with that object from time to time cleanse, repair, enlarge, and otherwise place and maintain in a due state of efficiency any watercourse or outfall for water, or any wall, embankment, or other defence against water, or do any other act for the purpose of maintaining in a due state of efficiency any work required to be so maintained for any of the said purposes.

(2.) Any amount from time to time certified by the Board to be required to meet the expenses of the maintenance and repair of the said works shall, so far as they are for works executed before the passing of this Act, for which proprietors of land shall be liable to pay under the provisions of this Act, be charged in the same manner as if this Act had not been passed; and so far as they are for works executed before the passing of this Act, for which proprietors of land shall not be liable to pay under the provisions of this Act, and so far as they are for works executed under this Act, be apportioned between the county cess of the baronies and townlands chargeable under this Act and the lands specially benefited, and be charged thereon respectively in the same proportions as the capital money expended upon the construction of the same works.

(3.) The maintenance charge payable out of lands specially benefited shall be payable to, and be collected by, the Board of Works in the same manner as the annuity charged upon such lands; and the Board of Works shall have the same powers of recovering a sum due for maintenance charge, and their certificate in relation thereto shall have the same effect, as if such sum were part of the said annuity. The Board of Works shall from time to time account to the Conservancy Board for the net amount collected by the Board of Works on account of maintenance charge in such manner as the Treasury may direct.

(4.) Sums may be from time to time charged under this section, either prospectively for the payment of future expenses, or retrospectively for the payment of expenses incurred at any time within

six months before such sums respectively are certified by the Conservancy Board to be required. A.D. 1889.

20.—(1.) The Lord Lieutenant shall from time to time cause inspection to be made by some engineer or other competent person of  
 5 any works which the Conservancy Board are required, in pursuance of this Act, to maintain and keep in repair, and if it appears from the report of the person so appointed that any such works have not been maintained in good order and repair, so as in the opinion of the Lord Lieutenant to be fit and proper for their intended purposes,  
 10 or that any sudden breach or damage has occurred to any embankment or other work maintainable by the Conservancy Board, the Lord Lieutenant may cause a notice to be served on the Conservancy Board calling upon them to execute such works of repair and maintenance as in the opinion of the Lord Lieutenant the circum-  
 15 stances of the case render necessary (the nature of which works shall be stated in the notice) within such period as is therein mentioned, and informing them that in default thereof such works will be executed by the Lord Lieutenant pursuant to the provisions of this Act.

Power to Lord Lieutenant to enforce maintenance of works.

20 (3.) In case such works are not executed in accordance with the terms of the notice, the Lord Lieutenant, with the sanction of the Treasury, may execute all such works of repair and maintenance as they may consider necessary, and for that purpose, and for the purpose of certifying and obtaining payment out of the county cess of  
 25 the costs from time to time incurred by them in relation to the said works, the Lord Lieutenant shall possess all the powers exercisable under this Act by the Conservancy Board.

21.—(1.) For the purpose of recovering from the grand jury of any county any sum payable to the Board of Works or the  
 30 Conservancy Board out of the county cess of that county in pursuance of this Act, the Board of Works, or the Conservancy Board, or the Lord Lieutenant, as the case may be, may from time to time send to the secretary of the grand jury of such county a certificate specifying the amount to be levied in any part of such  
 35 county in respect of the said sum; and, in case the sum so specified in any such certificate is payable by instalments, such certificate shall also specify the number of instalments and the amount of each instalment payable by any part of such county.

Recovery of cess and maintenance expenses from grand jury.

(2.) Any such certificate shall, until the contrary is proved, be  
 40 conclusive evidence of all matters necessary to authorise the making of it.

(3.) A certificate of the Lord Lieutenant, purporting to be signed by the Chief or Under Secretary, and a certificate of the Board

A.D. 1889. of Works or the Conservancy Board, purporting to be under their respective common seals, shall be admissible in evidence.

(4.) Upon any such certificate being sent to the secretary of the grand jury, the grand jury at the next and every succeeding assizes, until the sum therein specified as aforesaid has been fully paid, 5 shall without any previous proceeding at any presentment sessions present any amount for the time being due or falling due before the then next assizes on account of the said sum as specified in the said certificate; and if the grand jury make default in presenting such amount as aforesaid the judge of assize shall order the amount 10 to be raised, and the order shall have the force of a presentment, and the amount shall be apportioned and raised and levied accordingly, as if the same had been inserted in a presentment duly made at such assizes.

(5.) The secretary of the grand jury shall, within one month after 15 the date of any such presentment or order as aforesaid, send notice thereof to the Board of Works or the Conservancy Board, as the case may be.

Borrowing  
powers for  
emergency  
in main-  
tenance.

22. If the Local Government Board are satisfied that the cost of repairing any unusual damage to the works, or any unusual 20 expenses for maintenance, should be spread over more years than one, they may authorise the Conservancy Board to borrow for maintenance or repairs; and the Conservancy Board shall have the like powers of borrowing, upon the security of the rates or funds applicable under this Act for maintenance, as if they were a 25 sanitary authority, and as if the maintenance or repairs were sanitary purposes; and the enactments of the Public Health (Ireland) Act, 1878, concerning borrowing by sanitary authorities, and the making of loans by the Board of Works shall apply to the Conservancy Board. 30

41 & 42 Vict.  
c. 52.

Enrolment  
of award.

23. Every scheme, schedule, and final award imposing a charge under this Act, with proper schedules, map, or plan describing the lands to which such final award relates, shall be enrolled in the Consolidated Record and Writ Office of the High Court, and when so enrolled shall be binding and conclusive on all parties, and a copy 35 thereof certified by the proper officer of the said office shall be evidence that it was duly made, and that all the requisitions of the law in relation thereto were complied with; and the Commission shall within one month after the scheme or final award is settled cause the scheme, schedules, and final award to be printed and kept for public 40 sale at a price not exceeding two shillings and sixpence for each copy.

24. The amount charged on any security in pursuance of this Act shall include interest on the sum actually advanced, at the rate of three and a quarter per cent. per annum, from the actual date of the advance to the date of the commencement of the annuity payable in respect of that amount, and the annuity shall be of such amount as may be necessary for that purpose.

Interest from date of advance to commencement of annuity.

25. The Lands Clauses Acts shall be incorporated with this Act so far as the same may be applicable to and are not inconsistent with or modified by the provisions of this Act.

Regulations as to purchase of land.

10 If no agreement is come to as to the amount of any purchase money or compensation to be paid by the Commission or Conservancy Board to any person, the amount thereof shall be settled by arbitration in manner provided in sections twenty-five to thirty-seven (both inclusive) of the Lands Clauses Consolidation Act, 1845, and not otherwise: Provided, however, that where the amount of any purchase money or compensation claimed in respect of any land required by the Commission or the Conservancy Board, or in respect of any damage occasioned by the exercise of any powers for the execution of the works authorised by this Act to be executed by the Commission or the Conservancy Board, does not exceed fifty pounds, proceedings may be taken in a summary manner, either by the Commission or the Conservancy Board, as the case may be, or by any person claiming such purchase money or compensation, for ascertaining the amount thereof to be paid by the Commission or the Conservancy Board, and the court before whom such proceedings are taken shall make such order as they may deem just for the payment of such amount by the Commission or the Conservancy Board, as the case may be, to the person entitled thereto.

8 & 9 Vict. c. 18.

26. The Commission and the Conservancy Board may, for the purposes of this Act, from time to time purchase and acquire any lands within the catchment area, and employ such contractors, surveyors, agents, and workmen as they think fit, and by themselves and their contractors, surveyors, agents, and workmen, enter upon any land and proceed with any works upon such land which they are authorised to execute, and do all things upon and affecting any land which are necessary or proper for the execution of those works, and for the accommodation of lands adjoining those works, making compensation to all persons for any loss or injury occasioned to them by the exercise of such powers.

Power to enter upon and purchase land, and execute works.

40 Except with reference to lands which they may be authorised to take by virtue of a provisional order under this Act, the Commission shall not exercise the power of taking land otherwise than

A.D. 1889. — by agreement. The Conservancy Board shall not have power to take lands otherwise than by agreement.

Incorporation of certain provisions of 8 & 9 Vict. c. 20.

27. For the purpose of any works authorised by this Act, the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway 5 during the construction thereof shall be incorporated with this Act so far as such provisions may be applicable and are not inconsistent with any of the provisions of this Act. In the construction of this Act and the said incorporated provisions, and the incorporated provisions of the Lands Clauses Acts, this Act shall 10 be deemed to be the special Act, and the said works shall be deemed to be the railway, and the Commission or the Conservancy Board shall be deemed to be the company:

Provided that the amount of any purchase money or compensation payable by the Commission in pursuance of any of the said provisions shall be ascertained in manner provided in this Act in the case of purchase money or compensation payable by the Board in respect of any lands required by them for or injuriously affected by any works authorised by this Act. When the works become vested in the Conservancy Board, this section shall apply to the 20 Conservancy Board and to works of maintenance as fully as it applies to the Commission and to works of construction.

Saving rights in fisheries.

28.—(1.) Nothing in this Act shall authorise or empower the Commission or the Conservancy Board to make any byelaw or do any other act or thing which shall cause any permanent and 25 injurious alteration in or interference with any salmon weir, oel weir, or eel trap which any person has at the passing of this Act a lawful right to erect and keep erected, or which shall interfere with any salmon fishery, oel fishery, or right of fishing for salmon or eels, of which at that time any person is lawfully seized or possessed, so 30 as to injuriously affect the same.

(2.) If during the execution of any of the works authorised by this Act it shall be necessary that any such eel weir or eel trap as aforesaid shall be temporarily removed or interfered with, such removal or interference shall be effected after the fifteenth day of 35 January and before the first day of June, and not at any other time, in any year; and every such eel weir or eel trap so removed or interfered with shall be replaced or restored to its former condition before the first day of June next after such removal or interference. The Commission or the Conservancy Board, as the case may be, shall 40 make compensation to all persons for any loss or injury occasioned to them by any such removal or interference; and the amount of



such compensation shall be ascertained in manner provided in this Act in the case of purchase money or compensation payable by the Commission or the Conservancy Board in respect of any lands required by them for or injuriously affected by any works authorised by this Act.

A.D. 1889.

29. If during the execution of any of the works authorised by this Act it shall be necessary that any salmon weir shall be temporarily removed or interfered with, such removal or interference shall be effected before the first day of March or after the thirty-first day of August, and not at any other time in any year; and every such salmon weir so removed or interfered with shall be replaced or restored to its former condition before the first day of March next after such removal or interference. The Commission or the Conservancy Board, as the case may be, shall make compensation to all persons for any damage, loss, or injury occasioned to them by any such removal or interference, and the amount of such compensation shall be ascertained in manner provided in this Act in the case of purchase money or compensation payable by the Commission or the Conservancy Board in respect of any lands required by them for or injuriously affected by any works authorised by this Act.

Temporary interference with salmon weir.

30. Except as otherwise herein expressly provided, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, and authorities vested in or enjoyed by the Society of the Governor and Assistants, London, of the new plantation in Ulster within the realm of Ireland (commonly called "The Irish Society") under or by virtue of any charter or charters heretofore granted to them by the Crown, or of any statute or statutes in anywise relating thereto.

Saving rights of the Irish Society.

31. Nothing in this Act contained shall be deemed, construed, or taken to affect, prejudice, or diminish any estate, right, title, or interest of the Right Honourable Harriett Augusta, Countess of Shaftesbury, her heirs or assigns, or of any person lawfully claiming under any lease from any of her predecessors in title.

Saving rights of the Countess of Shaftesbury.

32. The provisions of the Commissioners Clauses Act, 1847, with respect to—

- (1.) The contracts to be entered into and the deeds to be executed by the Commissioners; and
- (2.) The liabilities of the Commissioners, and legal proceedings by or against the Commissioners; and

Certain provisions of 10 &amp; 11 Vict. c. 16, incorporated.

[344.]

C

A.D. 1889.

(3.) The appointment and accountability of the officers of the Commissioners; and

(4.) The giving of notices and orders, shall be incorporated with this Act; and in the construction of this Act and the said incorporated provisions this Act shall be the "special Act," and the Commission, and, when the works have become vested in the Conservancy Board, that Board shall be "the Commissioners." The actual travelling expenses and an allowance not exceeding ten shillings a day for hotel expenses of members of the Conservancy Board incurred in attending meetings after the works have become vested in them, may be defrayed by that Board out of the moneys at their disposal under this Act. 5 10

Accounts and audit.

**33.—**(1.) The accounts of the Commission and of the Conservancy Board shall be made up in such form and to such day in every year as may be appointed by the Local Government Board. 15

(2.) The accounts shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board may appoint for the purpose; the auditor shall with respect to the accounts of the Commission and the Conservancy Board have the like powers and be subject to the like obligations in every respect as in the case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit. An auditor shall in respect of each audit under this Act be paid by the Commission and the Conservancy Board respectively such remuneration and such sum for travelling expenses as the Local Government Board may determine to be reasonable. 20 25

34 & 35 Vict.  
c. 108.  
35 & 36 Vict.  
c. 69.

(3.) The Commission shall prepare and publish an annual report of their proceedings in carrying this Act into effect at such time in each year as the Lord Lieutenant may appoint. 30

Variation of works authorised by means of Provisional Order.  
Taking of land.

**34.** If after being authorised to proceed with the proposed works in accordance with the said plans the Commission desire to abandon any part of such proposed works, or to add to them or vary them, or to take lands otherwise than by agreement, they may by petition make application to the Lord Lieutenant in Council for an Order in Council authorising them to do any of the things aforesaid. 35

With respect to Orders in Council authorised to be made by the Lord Lieutenant under this Act, the following provisions shall apply: 40

(1.) The Lord Lieutenant shall not make any Order in Council under this Act unless public notice of the purport of the pro-

A.D. 1889.

posed Order has been previously given by advertisement in two successive weeks in some newspaper or newspapers circulating in the district or districts to which such Order relates, and once in some newspaper circulating in the city of Dublin.

5 (2.) Before making any such Order in Council, the Lord Lieutenant and Privy Council shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which  
10 public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections.

(3.) When an Order in Council authorising the Commission to take any land otherwise than by agreement is made, it shall be published in the district to which it relates in such manner as the Lord Lieutenant and Privy Council may direct; and if any owner or occupier of land authorised to be taken otherwise than by agreement presents a petition to the Lord Lieutenant in Council, within a period to be prescribed by  
20 general rules, against such Order, the Lord Lieutenant may submit such Order to Parliament for confirmation: and any such Order against which such petition as aforesaid is presented shall be of no force whatever unless and until it is confirmed by Parliament. Such Order, if no such petition is presented  
25 within the prescribed time, and any Order in Council under this section not authorising land to be taken otherwise than by agreement, shall become absolute, and shall be of the same effect as if it had been confirmed by Parliament.

(4.) Any Act confirming any provisional order made in pursuance of this Act, and any Order in Council not requiring confirmation by Parliament made in pursuance of this Act, may be repealed, altered, or amended by a subsequent Order in Council made and confirmed, if it requires confirmation, in accordance with the provisions of this section.

35 (5.) The fourth, sixth, seventh, and eighth subsections of section two-hundred and fourteen of the Public Health (Ireland) Act, 1878, concerning the procedure relative to provisional orders shall apply to Orders in Council under this section with the substitution of the Lord Lieutenant in Council for the Local Government Board.

41 & 42 Vict.  
c. 52.

40 (6.) The costs of all parties of and incident to an application for an Order in Council shall be in the discretion of the Lord Lieutenant in Council, and an order respecting costs shall be

[344.]

O 2

A.D. 1889.

enforceable as if it were an order of the Chancery Division of the High Court.

The Lord Lieutenant in Council may from time to time make such general rules as may seem fit for regulating the procedure as to Orders in Council, and with respect to fees and the taxation and payment of costs and any other matter for the purposes of this section. 5

Provisional  
order may  
vary scheme.

35. If an Order in Council authorises any change in or abandonment of any of the works proposed in the plans originally adopted, the Order may make such amendments in the scheme of the Commission relating to the cost of such works as may be deemed right. 10

Power to  
authorise  
occupiers to  
construct  
drains.

36. The Commission, or the Conservancy Board after the works have become vested in that Board, may from time to time by order empower the occupier of any land within the catchment area to construct, or to clean or improve, any drain in, through, across, or under any land whatsoever for the purpose of connecting or keeping connected the field drainage of the land of such occupier with any watercourse under the control of the Commission or the Conservancy Board respectively. Such order shall be a sufficient authority to any person named therein, his agents and workmen, at all reasonable times to enter upon any land, and to do any works specified in the order, and to do all things necessary for that purpose, making reasonable compensation for any damage done by him or them: and if any difference arise as to the amount to be paid for compensation, it shall be settled by the Commission or the Conservancy Board respectively, and their award shall be final. In any case, however, where the Commission or the Conservancy Board respectively shall be of opinion that the construction or cleaning or improving of any such drain as aforesaid is a benefit to the occupier of the land through which it is constructed or runs, he shall pay such sum towards its construction, cleaning, or improving as the benefit shall amount to; and if any difference shall arise as to the sum to be paid, it shall be settled by the Commission or the Conservancy Board respectively, and their award shall be final. 25 30

Removal and  
rebuilding  
of bridges.

37.—(1.) The Commission may, with the previous consent of the Lord Lieutenant, take down and remove or alter any bridge for the discharge of water under any public road, the alteration or removal of which is necessary or desirable for carrying into effect the purposes of this Act, and the Commission shall (if and when in the opinion of the Lord Lieutenant it is necessary) construct a temporary bridge in place thereof, and support and maintain the 35 40

same until the completion of the works necessary for the restoration to public use of the said bridge. A.D. 1889.

(2.) Where an existing bridge is taken down and removed, the Commission shall, (if and when in the opinion of the Lord Lieutenant it is necessary), construct a new bridge with the necessary roads of approach thereto, according to such plan, specification, and estimate as may be approved by the Lord Lieutenant.

(3.) If the removal or alteration of any such bridge was in the opinion of the Lord Lieutenant rendered necessary by reason of its having been originally improperly constructed, or subsequently altered, so as to be an impediment to the natural discharge of the water, having reference to the state of the river or stream at the time of the original construction or subsequent alteration of the bridge, as the case may be, or if it was in the opinion of the Lord Lieutenant in a ruinous or insecure condition, the expense of the alteration or removal and rebuilding thereof in pursuance of this section shall be charged on the county cess of the county in which the bridge is situate, and shall be paid and payable out of such county cess to the Commission, and the certificate of the Commission purporting to be under their common seal shall be conclusive evidence of the amount of that expense :

Provided that where any bridge so re-built or altered is over a watercourse forming a boundary between two counties, the expense, if chargeable to county cess, shall be payable thereout by the said counties in equal moieties.

**38.**—(1.) The Commission, or the Conservancy Board after the works have become vested in that Board, may respectively from time to time make alter and repeal byelaws— Power to make bye-laws.

(a) for prohibiting persons from throwing, or causing or suffering to fall or pass into any watercourse in respect of which any works have been commenced or executed, or are maintained by the Commission or the said Board, any weeds, stones, soil, or other solid matter calculated to cause an obstruction therein, or placing or permitting to remain any milldam, navigation weir, fish weir, eel weir, or other obstruction in any such watercourse without the consent of the Commission or the said Board ; and

(b) for prohibiting persons from injuring or permitting to be injured any embankment or other work which has been commenced or executed or is maintained by the Commission or the said Board ; and

A.D. 1889.

(c) for requiring marks to be affixed on sluices or other works, and for prohibiting persons from defacing, removing, or injuring marks placed by authority of the Commission or the said Board on any sluice or other work, and from defacing, removing or injuring any notice of the Commission or the said Board; and 5

(d) for regulating in conformity with marks affixed as aforesaid the opening and closing of flood gates, hatches, and sluices within the contributory area in time of flood or apprehended flood; and 10

(e) for prohibiting persons from injuring or removing any pegs, poles, or other marks placed by authority of the Commission or the said Board for the measurement of any works authorised by this Act, or for any other purpose connected with such works. 15

41 & 42 Vict.  
c. 52.

(2.) Sections two hundred and nineteen to two hundred and twenty-three (both included) of the Public Health (Ireland) Act, 1878, shall apply to byelaws made by the Commission or the Conservancy Board under this Act, with the substitution of the Commission or the Conservancy Board under this Act for a sanitary authority under that Act, and of the Board of Works for the Local Government Board. 20

(3.) Penalties imposed by byelaws made under this section may be recovered in a summary manner.

Penalty for  
obstructing  
Board.

39.—(1.) Any person who wilfully obstructs any person acting under the authority of the Commission or the Conservancy Board in the lawful exercise of any powers vested in the Commission or the Conservancy Board for the purposes of this Act, shall for each offence be liable to a fine not exceeding ten pounds, to be recovered in a summary manner. 25

(2.) Where the banks or the embankments of any watercourse made, opened, widened, deepened, embanked, improved, maintained, or repaired in pursuance of this Act, are broken down or damaged by cattle grazing or being upon any lands abutting upon such watercourse, by reason whereof such watercourse is injured or obstructed, the person or persons occupying the lands at the time of such damage shall be deemed to have committed an offence under this Act. 30 35

Protection of  
persons  
acting under  
Act.

40.—(1.) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default 40

in the execution of this Act, shall not lie or be instituted unless it is commenced within twelve months next after the act or thing is done or omitted, or, in case of a continuance of injury or damage, within twelve months next after the ceasing thereof. A.D. 1889.

- 5 (2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than  
10 the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect the costs of any injunction or motion for an injunction in the  
15 action.

41. A justice shall not be disqualified from acting in any case arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or  
20 payment or fund out of which any expenses of carrying this Act into effect are to be defrayed. Removal of disqualification of justices.

42. Subject to the provisions of this Act, the liability of any person to defray or contribute towards the expense of making, completing, altering, repairing, or maintaining any sewer or drain or any walls  
25 or works for protecting any land against the force or encroachments of any river, or doing any other work within the catchment area, shall continue, and the same may be enforced as if this Act had not been passed. Saving of existing liabilities to repair.

43. Nothing in this Act contained shall be deemed, construed,  
30 or taken to affect or prejudice the right of any person or persons to constitute a separate drainage district, pursuant to the provisions of the Drainage and Improvement of Land Act (Ireland), 1863, and the Acts amending the same. Formation of other districts.

With reference to any such drainage district the following  
35 enactments shall apply, anything in any of the said Acts notwithstanding :—

- (1.) The proprietors of any land included or proposed to be included in such drainage district may agree with the person occupying the said land as tenant that such tenant shall, for the purposes  
40 of the said Acts, be substituted for the proprietor.
- (2.) If within the time limited for making objections to the report of the inspector sent by the Board of Works respecting

A.D. 1889.

the proposed formation of such drainage district, the proprietor of any land within the proposed district dissents from or does not assent to the formation of such district, the person occupying such land as tenant may apply to the Board of Works to be substituted for the said proprietor for the purposes of the said Acts; and if, after the Board of Works have served on the said owner notice of the application, the said proprietor does not within a period to be prescribed by such notice assent to the formation of the district, the Board of Works, after hearing any objection made by the said proprietor and any other person having any estate or interest in the land, and on its appearing to them—

- (a.) that the proposed works for arterial drainage will effect immediately or prospectively an increase in the annual value of the said land, proportionate to the sums likely to be charged thereon in respect of the expenses of the said works and the maintenance and repair thereof; and
- (b.) that the amount charged on the said land under an award made in pursuance of the said Acts, or a substantial part of that amount, is likely to become payable during the continuance of the tenancy then current in the said land,

and having regard generally to the justice of the case may, if they think fit, by order direct that such tenant shall for the purposes of the said Acts be substituted for the proprietor of the said land, but without prejudice to the right of the proprietor to dissent from the formation of such drainage district.

- (3.) Where in pursuance of this section the tenant of any land is substituted for the proprietor thereof for the purposes of the said Acts, the tenant for the time being of such land, during the continuance of the tenancy current at the time of such substitution, shall in respect of such land be vested with all the rights and be subject to all the liabilities and obligations of a proprietor for the purposes of the said Acts, and the proprietor shall, during the same period, be divested of such rights and exempt from such liabilities and obligations, but on the determination of the said tenancy the proprietor shall become vested with and subject to all such rights, liabilities, and obligations as aforesaid.

- (4.) For the purposes of this section the words "tenant" and "tenancy" shall have the same meaning as in the Land Law (Ireland) Act, 1881, and the provisions of that Act respecting

44 & 45 Vict.  
c. 49.



the determination of a tenancy, shall apply to the case of a tenancy to which the provisions of this section are applicable. A.D. 1889.

(5.) All references in the said Acts or in this section to a proprietor shall, if need be, be deemed to include a reference to the successors, heirs, executors, administrators, and assigns of or other persons claiming through or under such proprietor.

44. The following bodies; (that is to say.)

(a) the Lough Neagh Drainage Trustees, and

(b) the Lower Bann Navigation Trustees, and

(c) every other corporation or Drainage Board exercising powers under any Act of Parliament or Provisional Order made before the passing of this Act with reference to the arterial drainage of lands in any part of the catchment area of Lough Neagh or the Lower Bann,

Dissolution  
of existing  
authorities  
and trans-  
fer of prop-  
erty. Ac-  
to Board.

shall be dissolved; and all property, choses in action, powers, rights, and privileges of any such corporation or board, shall be transferred to and shall at first vest in and be exercisable by the Commission, and, when the works become vested in the Conservancy Board, shall vest in and be exercisable by that Board.

The Commission or Conservancy Board may carry on, or commence and maintain, in their own name any action or proceeding which such dissolved corporation or board might have carried on, commenced, or maintained.

All moneys, stocks, and securities standing in the name of any such dissolved corporation or board in the books of any bank shall be transferred to the Commission.

All records and documents of any such dissolved corporation or board shall be transferred to the Commission.

All contracts of hiring or employment made by any such dissolved corporation or board shall be deemed to be rescinded.

All debts or liabilities of any such dissolved corporation or board incurred before the passing of this Act shall be discharged by the Commission. Any such debts or liabilities incurred after the passing of this Act shall be discharged by the Commission if they were necessarily and properly incurred for any work of maintenance or for the preservation of any rights or property.

The cost of maintenance and repair of drainage works executed by any such Corporation or Board shall be defrayed by the Commission or the Conservancy Board, but, subject to the provisions of this Act, shall be charged in the same manner as if this Act had not been passed.

Proprietors of land situated in a drainage district constituted under the Drainage and Improvement of Lands Act (Ireland) 1863, 26 & 27 Vict. c. 88.

[344.]

D

A.D. 1889. who were liable to pay maintenance charges to the drainage board of the district, shall continue to be liable to pay the like charges to the Commission, and, after the works have become vested in the Conservancy Board, to that Board, provided that they shall not be required to pay more than the sum actually expended for maintenance of such works, nor more than the average charge which they were liable to pay on the average of the five years preceding the passing of this Act. The said average charge shall be determined by an engineer to be appointed by the Board of Trade for that purpose, on the application of the Commission, and all the costs of and incident to such determination shall be borne and paid by such persons and in such manner as the said engineer shall direct.

The rights, powers, and duties of the Lower Bann Navigation Trustees concerning navigation in Lough Neagh, and in the canal between Lough Neagh and the Toome Railway Station, shall be transferred to the Upper Bann Navigation Trustees.

Provided, however, that the Lord Lieutenant shall, by Order in Council, declare which of the townlands and baronies in the county of Antrim and city and county of Londonderry mentioned in the schedule to the final award of the Board of Works, dated the eighteenth day of February one thousand eight hundred and eighty-eight, made in pursuance of the Drainage Acts and the other Acts therein mentioned, upon and by which it is thereby directed that the expenses of, and incident to, the maintenance and conservancy of the Lower Bann Navigation shall be charged, borne, and paid, shall continue to be charged with, bear, and pay the expenses of and incident to the maintenance and conservancy of the navigation in Lough Neagh and the said canal.

This section shall come into operation when the Bann Conservancy Board is duly constituted and has resolved that the Commission may undertake the works authorised by or under this Act.

Status of  
Conservancy  
Board as in  
schedule.

45. The provisions concerning the Conservancy Board contained in the schedule to this Act shall have the same effect as if they were enacted in the Act.

Definitions.

46. In this Act, unless the context otherwise requires, the following expressions and words shall have the meanings hereby assigned to them:

"The Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being:

"The Treasury" means the Commissioners of Her Majesty's Treasury:

- "High Court" means Her Majesty's High Court of Justice in Ireland: A.D. 1888.
- "Local Government Board" means the Local Government Board for Ireland.
- 5 "Clerk of the Crown and Peace" includes Clerk of the Peace where the offices of Clerk of the Crown and Clerk of the Peace have not been united under the provisions of the County Officers and Courts (Ireland) Act, 1877. 40 & 41 Vict. c. 55.  
3 & 4 Vict. c. 15.
- 10 "The Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1869; and the Railways Act (Ireland), 1864. 23 & 24 Vict. c. 106,  
14 & 15 Vict. c. 70,  
23 & 24 Vict. c. 97,  
27 & 28 Vict. c. 71,  
5 & 6 Vict. c. 89.
- 15 "The Drainage Acts" means the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, intituled "An Act to promote the drainage of  
"lands and improvement of navigation and water power in  
"connexion with such drainage in Ireland"; the Drainage and Improvement of Lands Act (Ireland), 1863, and all Acts  
20 amending the said Acts respectively. 26 & 27 Vict. c. 58.
- "The Land Improvement Acts" means the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to facilitate  
"the improvement of landed property in Ireland," and all Acts  
25 amending the same. 10 & 11 Vict. c. 32.
- "Lands" has the meaning attached thereto in the Lands Clauses Acts, and in this Act and in the said Acts for the purposes of this Act includes any estate or interest in land, and also any right of water, right of fishing, right of way, or easement:
- 30 "Watercourse" includes any river, stream, drain, sewer, or passage through which water flows:
- "Bridge" includes culvert and archway:
- "Person" includes a body of persons corporate or not corporate.

A.D. 1889.

## SCHEDULE.

### REGULATIONS FOR BOARD.

1. The following provisions shall apply to the Conservancy Board:

2. Subject to the provisions of this Act concerning the first members of the Conservancy Board, a conservator shall hold office for six years, and on the 5 day prescribed by the Commission shall retire, and his place shall be taken by a conservator appointed or elected in like manner as aforesaid. This provision shall not apply to the member appointed by the Lord Lieutenant, who shall hold office upon such terms as the Lord Lieutenant may direct.

3. Every conservator going out of office shall, if qualified, be re-eligible; 10 and if at any time when an election ought to take place the places of any retiring conservators are not filled up, the Lord Lieutenant may appoint any qualified persons to fill those places.

4. Any casual vacancy occurring in the Conservancy Board may be filled up by the Board; but any person so chosen shall retain his office so long only 15 as the vacating conservator would have retained the same if the vacancy had not occurred. This provision shall not apply to the member of the Board appointed by the Lord Lieutenant.

5. An act or proceeding of the Conservancy Board shall not be questioned on account of any vacancy or vacancies in their body. 20

6. Any person who acts as member of the Conservancy Board without being qualified shall be liable to a fine not exceeding fifty pounds; and in any proceeding for the recovery of such fine the burden of proving qualification shall be upon the person against whom such proceeding is taken.

7. After the works have become vested in the Conservancy Board, the 25 Conservancy Board may transact the business committed to them by this Act by means of one or more standing committees, consisting of such member or members of their body as they think fit; and any committee so formed shall, in the exercise of the powers delegated conform to any regulations that may be imposed on them by the Board. 30

8. All acts done by any meeting of the Conservancy Board, or by any committee thereof, or by any person acting as a member thereof, shall, notwithstanding that it may be afterwards discovered that there was some defect in the constitution of the Board or committee, or in the appointment or election of the person acting as aforesaid, or that they or any of them were or 35 was disqualified, be as valid as if every such person had been duly appointed or elected, and was qualified to be a member.

9. The proceedings of the Board and of committees thereof shall be conducted in accordance with the rules made by the Commission.



# Bann Drainage.

A

## B I L L

[AS AMENDED BY THE SELECT  
COMMITTEE]

For the improvement of the Drainage  
of Lands and for the prevention of  
inundations within the catchment  
area of Lough Neagh and the Lower  
Bann, and for other purposes relating  
thereto.

*(Proposed and brought in by  
Mr. Arthur Sullivan, Mr. Seánán Ó Súilleabháin  
for Ireland, and Mr. Jackson.)*

*(Introduced by The Minister of Commerce, on the 27th July 1933.)*

PRINTED BY HULL AND SCOTT, LTD.,  
PRINTERS IN ORDINARY TO HER MAJESTY, AND  
BY THE QUEEN'S AND ROYAL CANAL PRINTERS,  
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175